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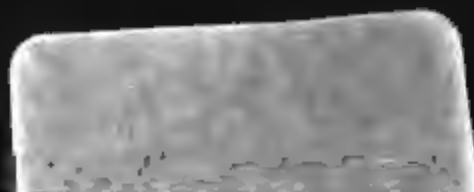
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THE  
HAIGS OF BEMERSYDE







*The residence of Mr. J. B. 1840*  
*Engraved by J. B. 1840*

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# THE HAIGS OF BEMERSYDE

## A Family History

BY

JOHN RUSSELL



WILLIAM BLACKWOOD AND SONS  
EDINBURGH AND LONDON  
MDCCCLXXXI





## P R E F A C E.

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ABOUT three years ago I had occasion, for a temporary purpose, to make some researches into the history of the Haigs of Bemersyde; and finding the existing notices of the family contradictory and inadequate, I applied to Colonel Haig for permission to examine certain of the family papers, which permission he at once granted. From the interest which the outcome of this cursory examination elicited, I was encouraged to request him to allow me still further to examine the contents of the Bemersyde charter-chest, with a view to a more extended notice of the family. To this Colonel Haig again, in the kindest manner, assented, placing the whole of the papers at my disposal, without reserve or restriction.

The present History is the result. In its construction, only such charters and other papers have been printed as are of historical importance; and the subject has been so treated as to give promi-

nence to whatever illustrates personal character, or preserves for us extinct or interesting phases in national or family life. It has likewise been thought unnecessary, except in the footnotes and Appendix, to adhere in all cases to the antiquated orthography of the papers here printed, more especially where it was desirable the reader should be able without difficulty to arrive at the sense of the document quoted. But in no case do such changes as are made extend beyond what is merely orthographical.

For the transcription and translation of the earlier charters of the family, as well as of certain later documents, I am indebted to the long experience and conscientious accuracy of the Rev. Walter Macleod, whose special qualifications in this department of archæological research are well known. Thanks are also due, for many valuable hints and much kindly assistance, to Mr Thomas Dickson, Curator of Historical MSS. in the Register House; to the Faculty of Advocates, and their Curator, Mr Clark, for the use of MSS. in their possession; and to his Grace the Duke of Buccleuch for permission to make a facsimile of the *Rhymer Charter*, the original of which is among the Melrose Papers, now preserved in Dalkeith House.

J. R.

EDINBURGH, *October* 1881.

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# INTRODUCTORY



THE  
HAIGS OF BEMERSYDE.

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INTRODUCTORY.

Sir Walter Scott and the Bemersyde Family—Thomas the Rhymer's prediction concerning it—Bemersyde : its locality and scenery—Bemersyde House : its antiquity and surroundings—Its long occupation by the Haigs as a manorial residence—Bemersyde lands : their configuration and extent—Plan of History : arrangement of material—Authorities.

WHEN Turner the painter, in the autumn of 1831, came to Scotland for the purpose of making drawings to illustrate the scenery of Sir Walter Scott's poems, he spent a few days at Abbotsford with the novelist, upon whom the bitter drama of his later years was now beginning to close. One morning, Scott, along with a few friends, accompanied the distinguished artist to Smailholm Tower, the scene of his own weird ballad, *The Eve of St John*, and thence back to Dryburgh Abbey, of both which places sketches were made. But there was yet one other place on their homeward route of which Scott was resolved there should be a fitting memorial by

the same graceful hand. This was BEMERSYDE: "the ancient residence," says Lockhart, "of the most ancient family now subsisting on Tweedside." When the artist's work was done, Sir Walter and his friend had luncheon with "the good Laird and Lady" in one of the quaint vaulted apartments of the castle tower; after which the party returned to Abbotsford. This was Scott's last visit to his favourite Bemersyde, past which, in September of the following year, moved the long and melancholy procession which bore all that was mortal of the poet to its first resting-place in Dryburgh Abbey.

But its antiquity was not the sole claim which Bemersyde had upon the affections and veneration of Sir Walter Scott. There was that attaching to the place which could not fail, in one so constituted, not only to awaken his interest, but to stir his imagination. Round the family and their old ancestral home the fanciful superstitions of the district had thrown a veil of mingled mystery and wonder, and not a peasant or a peasant's child but could repeat the prophetic utterance of Thomas the Rhymer:

Tyde what may betyde,  
Haig shall be Haig of Bemersyde.

This prediction, which had floated in various forms about the Borders for some hundreds of years, was sufficient in the popular belief to insure, as it had already for many long centuries insured, the stability and permanency of the house of Bemersyde. Many others of the Prophet's sayings were still current among the people, and to each and all of them large and liberal credence was given; but to none

did the popular faith cling so tenaciously as to this : for were not 'the place and the family still there to point to in testimony of its truth ? In a matter which appealed thus strongly to the imaginative susceptibilities of Scott, it was not in his nature to be either critical or indifferent, more especially as relating to a family that had in former times supplied a bride to one of his own ancestors among the Haliburtons. As he himself remarked in 1817, when visiting Bemersyde with Washington Irving—"There seemed to him almost a wizard spell hanging over it, in consequence of the prophecy of Thomas the Rhymer, in which in his young 'days he most potently believed." And what to him had been a kind of enchanted castle in his boyhood, was still the object of tender regard in his closing days.

To all who have any acquaintance with the Borderland of Scotland, the name and locality of Bemersyde are familiar as a household word. It is situated in the parish of Mertoun, in the western extremity of that division of Berwickshire known as the Merse, and which here marches with the county of Roxburgh, being about three miles east of Melrose, and one mile north of Dryburgh Abbey. Its lands are half-embraced on their western and south-western boundary by a magnificent curvature of the river Tweed. This classic stream, which for some distance below Melrose flows due east, no sooner receives into it the waters of the Leader, than, coming in contact with the hard outlying flanks of the Merse uplands, it is suddenly deflected towards the south, nor does it finally resume its easterly course until, with many a graceful curve and sweep, it has



## THE HAIGS OF FEMERSIDE

passed the romantic confines of Mertoun House, five miles below.

BEMERSIDE HOUSE, the ancient stronghold of the Haigs, stands on an elevated rocky bluff overhanging this, one of the most beautiful reaches of the Tweed. The stream here flows, summer and winter, in a full, deep current, coming down between richly-wooded banks—those on the north abrupt and precipitous, and shagged with oak and birch and hawthorn to the water's edge. On the opposite bank, and all but surrounded by a circular bend of the river, is the shrine-forsaken promontory of Old Melrose, the spot on which the 'Saxon disciples of Aidan, more than twelve hundred years ago, uplifted the sacred symbols of Christianity. Sweeping clear of this bit of rugged beauty, and entering on a fine stretch of open undulating plain, the river glides along in serene grandeur till it plunges beneath the old-red-sandstone cliffs of Dryburgh. On the south the ground slopes gradually up towards the Eildons which here display their full range of triple peaks guarding the entrance into Teviotdale; whilst on the north the Black Hill of Ercildoune rears its gloomy front, casting sombre shadows even on the sunshine of a summer's day. The whole course of the Tweed is here amid enchanted ground. It is the Heart of the Borderland: the very names are redolent of Border song and Border story for here are

Ercildoune and Cowdenknowes,  
Where Homes had ance commanding;  
And Drygrange, with its milk-white ewes,  
'Twixt Tweed and Leader standing;

The bird that flees through Redpath trees,  
And Gladswood banks each morrow,  
May chant and sing sweet Leader Haugh,  
And bonnie howms of Yarrow.

The older portion of Bemersyde House, which, with more or less of necessary change in its fabric, has been occupied by the Haigs for more than seven centuries, consists of a tall, narrow, castellated tower,



BEMERSYDE HOUSE (1881).

finished with high crow-stepped gables in the style of the latter half of the sixteenth century, and is similar in size and appearance to the neighbouring fortress of Smailholm. The upper portion underwent considerable modification about 1690. Again, in 1796, a small building in modern style was added to the east end of the tower, and a larger wing was built on the west side in 1859; but the old tower is still in use equally with the new por-

tion.<sup>1</sup> It is surrounded by a “brotherhood of ancient trees:” stately beeches and tall elms, in whose windy tops the kindly rooks have long established a clamorous colony. On the greensward in front is a singular tree—of that long-lived species, the Spanish chestnut—with a great, rugged, warty trunk, surmounted by a twisted crown of black and gnarled boughs, on which even the greenery of June has a faded look. This is the *Covin Tree*—that is, the Company or Trysting Tree—beneath which in bygone times it was the habit of the hospitable old lairds to meet and bid welcome to their guests. It is said by tradition to be as old as the house itself, and to have been planted at its foundation: and in reality it looks as if it had stood there through the suns and snows of a thousand years. It was a favourite tree with the Haig family; and the time when the “old sweet chestnut,” as they called it, first puts forth its leaves in spring is frequently found noted down in the pages of their diaries. From year to year it had silently indicated to them the passage of the seasons—of summer and winter, seed-time and harvest; and from generation to generation the music of the wind among its boughs had mingled with the voices of their children at play. They could not fail to love it: the tree

that in summer was sweet to hear,  
That rustled its leaves in the fall of the year,  
And whistled and roared in the winter alone.

<sup>1</sup> Turner's sketch represents the House as it was between 1796 and 1859. It is truthful in effect, though not in detail. The group in the foreground, as is noted on a print of the sketch in Bemersyde House, is composed of Sir Walter Scott, staff in hand, leaning on Lockhart. The lady is Miss Haig; the figure in the distance, Turner sketching; and the portrait on the ground represents James Z. Haig, Laird of Bemersyde.

Its position still serves to indicate the place of the old gateway or barbican that led in ancient times to the tower within the walls; though the walls themselves, with the usual out-buildings and offices which such fortified places contained, were removed about two hundred years ago, and in their stead is now a green lawn, broken up into flower-plots, and bounded by a line of magnificent old hollies and yews.<sup>1</sup>


Of the hundreds of forts and castles which once existed on the Scottish Border, and whose ruins still excite the wonder and curiosity of the antiquary, Bemersyde is the only one that is still inhabited as a manorial residence, and inhabited, too, by the family that were its original founders. This singular tenacity of possession, extending as far back as into the twelfth century, would under any circumstances be remarkable; and in the present instance becomes all the more so, when we bear in mind that its locality is in the very centre of that district of Scotland which for more than three hundred years was the battle-ground of two hostile nationalities, as well as the scene of almost never-ceasing internal conflict, rapine, and dissension. This phenomenon—for such it is—in Border history, is not more striking than it is suggestive, connecting us of the nineteenth century with that far-away time

<sup>1</sup> In the *Transactions of the Highland and Agricultural Society* for 1879, p. 66, a list is given of large Spanish chestnuts in Scotland, from which it appears that the dimensions of the Bemersyde tree are: Height, 50 feet; circumference at the base, 27½ feet; at one foot from the base, 25½ feet; and at five feet, 21½ feet. It stands 600 feet above the level of the sea. The tree seems at one time to have been dwarfed in its upper boughs, as, while there are eighty-eight Spanish chestnut trees in Scotland which exceed this of Bemersyde in height, three only exceed it in girth.

when as yet the boundary-line between England and Scotland was undetermined : when, instead of Scotch and English, we were Saxon and Celt and Norman : and when David the First was but laying the foundation-stones of those splendid religious edifices whose crumbling ruins we view to-day. It is a " far cry " from Scotland in the twelfth, to Scotland in the nineteenth century.

The lands of Bemersyde, as they are first made known to us through the medium of ancient charters and writs, were of greater extent than at present ; the estate, during the seventeenth century in particular, having been denuded of a considerable portion of its territory. In the early period, also, of the family history, chiefly in the thirteenth century, various grants of land were made from the estate to the religious houses of Dryburgh and Melrose. Originally the Bemersyde territory was bounded on the west and south by the Tweed, on the east by the lordships of Mertoun and Smailholm, and on the north by the long low ridge of craggy hills extending between Redpath and Brotherstone. It would appear, indeed, that the area of ground anciently possessed by the Haigs, embraced the whole of the lands lying southward from these hills to the Tweed, within the lateral limits assigned, excepting only the small peninsular piece of ground on which Dryburgh Abbey was erected.

It is the History of the Family whose claims to notice we have thus indicated, that is here set forth. Under the enlightened teaching of such men as Cosmo Innes, David Laing, and other workers in the



same field, the present generation has learned that we do not write the history of a nation when we have chronicled its battles and tabulated its kings, nor that of a family when we have drawn up a catalogue of its births and marriages, its deaths and successions, its reversions and escheats. To quote from the first-named writer: "The Literature of Family History, which went down at the French Revolution, has come to life in our time, but in a somewhat different shape. We are not satisfied now with a detail of pedigree, and an array of its proofs. The literature that was confined to glorifying a family does not satisfy an age that pretends to higher views; and we demand in such books—if they deal with anything short of great historical families—either a display of personal character and the interest of personal adventure, or else illustrations of social history, of the character and spirit of the age, and of the customs and conditions of the people at various times."<sup>1</sup> An endeavour has been made, in the drawing up of this History, to give effect to the principles here laid down.

Before proceeding further, it may be convenient in this place to give—(1) An outline of the Plan, or Arrangement, followed in this work as regards its materials; and (2) A brief account of the chief private authorities made use of.

I. ARRANGEMENT. — It has been too much the custom, in constructing books of this nature, to make little or no distinction in form between the history of the family and the minutiae of its gene-

<sup>1</sup> *Sketches of Early Scotch History*, p. 325.

alogy. This seems to me to possess a double disadvantage. In the first place, it is extremely difficult for the writer to give a continuous narrative of the main events if his attention is being perpetually distracted by the necessity of incorporating with them the dry and not unfrequently repellent details that are nevertheless essential in a sound genealogy and in the second place, it renders the book inconvenient and cumbersome for purposes of reference the general reader being compelled, in following the family history, to make his way through a mass of petty details which possibly present no points of interest to him, whilst the genealogist, who consults it for purposes of exact information, can only obtain this by a process of sifting as tedious as it is irksome. In order somewhat to obviate these difficulties, the materials for the present work are arranged under one or other of the following sections :—

- I. THE FAMILY HISTORY.
- II. THE FAMILY GENEALOGY (including that of the cognate Branches).
- III. AN APPENDIX OF CHARTERS, FAMILY PAPERS, etc. (grouping together such documents as cannot readily be incorporated with the text, but which are otherwise important).

In thus classifying the materials at command, care is taken, both in the index and throughout the work to maintain a sufficient chain of references between the different sections.

II. AUTHORITIES.—The chief authorities made use of, besides the Cartularies of the old religious houses, and the various public Registers, are the Family Papers in general, and in especial certain

documents among these which professedly deal with the history of the Bemersyde Family.

*The Family Papers.*—These are extensive, and range from about 1162 to the present time—a period of 719 years. Those in the charter-chest of the family date from 1425 onwards. The history of the first 250 years is mainly derived from the charters and other documents preserved in the Cartularies of various religious houses in Scotland, chiefly those of Melrose, Dryburgh, and Kelso.<sup>1</sup> From 1425 to 1600, the papers in the possession of the family are comparatively few; but from the latter date the materials are abundant. Apart from the general collection of family papers, there are a few that call for special mention.

1. *Obadiah Haig's Manuscript.*—The earliest document which attempts to give a consecutive account of the Haigs of Bemersyde, is one that was drawn up in 1699 by Obadiah Haig, a cadet of the family. It is in the shape of a genealogical tree, beautifully engrossed on a fine sheet of parchment, measuring three feet by two and a half feet, and is in an excellent state of preservation, the writing being singularly neat and distinct. It is entitled:—

“ THE GENEALOGY OF THE HAIGS MALE OF THE HOUSE OF BEMERSYDE (supposed to be a Pictish name and family), by the river Tweed, in the

<sup>1</sup> There are in all twenty-five charters or other documents thus preserved, ranging from about 1162 to 1412, in which the name of some member of the Bemersyde family appears either as grantor, witness, or otherwise. Eleven of these are to be found in the *Liber de Melros*, six in the *Liber de Dryburgh*, four in the *Liber de Calchou* (Kelso), one in the *Registrum de Dunfermelyn*, one in Anderson's *Diplomata Scotia*, one in the volume of the *National MSS.*, and one in Prynne's *Records of the Tower of London*. By means of these, the earlier representatives of the house, and the order of their succession, can be traced with reasonable accuracy.



South of Scotland. Begun but from the year 1153, and continued successively only from 1489. Our predecessors having neglected to keep any account of their successions, they cannot be placed orderly further back, though by circumstances many years older than here mentioned.

“This collected together out of writings and charters of the Family, &c., by Obadiah Haig, eldest son of William Haig, at Bemersyde, the seventeenth day of April, in the year of our Lord, one thousand six hundred and ninety-nine.”

This genealogy appears to have been drawn up, not so much from the family papers, as from oral statements, and is consequently far from being accurate. [Cited hereafter as *O. H. MS.*]

2. *The Mylne Manuscript*.—This is a much more elaborate document, in the style of the genealogists of the seventeenth century, and was drawn up in 1710 by the well-known Edinburgh antiquary, Robert Mylne. It is entitled:—

“ANE GENEALOGICAL AND HISTORICAL ACCOUNT OF THE ANCIENT FAMILY OF THE HAIGS OF BEMERSYDE, in the Merse. Collected from Histories, Charters, and other documents, by R. M. Ao. 1710.”<sup>1</sup>

The manuscript, which is wholly in Robert Mylne's handwriting, fills sixteen pages of small octavo

<sup>1</sup> Pitcairn says that Robert Mylne was a well-known collector of tracts illustrative of the history of Scotland, and that he died December 21, 1747, at the very advanced age of 105, having “enjoyed his sight, and the exercise of his understanding, till a little before his death.”—*Criminal Trials*, i. 317. The most that can be learned of this antiquary will be found embraced in the Prefatory Notice to Maidment's *First Book of Scottish Pasquils*, as it was principally from the MS. collections of Mylne that these pasquils were obtained. Mylne was an Episcopalian and an uncompromising Jacobite, and delighted in preserving such effusions as lampooned the Whigs and the Hanoverians—a tendency which is more than once exhibited in his MS. History of the Haigs.

(6 × 3¾ inches), and is much and closely interlined with additions in the same hand. The conclusion is written on the back of the title-page, which had at first been left blank. It professes to give a continuous genealogy of the family from the time of Druskine, "the last King of the Picts, A.D. 839." It has not been thought necessary to print Mylne's account entire in this work, as to have done so would have necessitated a body of corrective or explanatory notes many times more extensive than the manuscript itself. In addition to this, Mylne also made a collection of interesting State-papers referring to an important event in the family history which occurred in 1616; which papers were purchased, along with the rest of the "Mylne MSS.," by David Earl of Buchan, and presented by him in 1782 to the Advocates' Library, in Edinburgh, where they are deposited in the Denmilne Collection.<sup>1</sup> [Cited hereafter as *Mylne MS.*]

3. *The Ruddiman Manuscript.*—This manuscript is docketed as the "Genealogy of the Haigs of

<sup>1</sup> These State-papers, after being lost sight of, were fortunately discovered by means of the following letter, from the Earl of Buchan to James Z. Haig of Bemersyde. It is dated Dryburgh Abbey, Dec. 3, 1805: "I have again read the account of the Family of Bemersyde, by R. M., whom, from the MS. and other circumstances, I believe to be the accurate Robert Mylne, whose collections are in the Advocates' Library, purchased by me in the year 1782, from Macfarlane's Trustees, and transferred to the Faculty. I think you should cause a fair transcript to be made from this MS. account of your family, beginning with Peter (Comarcha de Bemersyde). Your various descents are very honourable, as is your family in other respects, and therefore worthy of being still further exemplified from authentic evidence. I am glad to entertain good hopes of the present generation of the Hagas de Bemersyde, of whose education I am sure you will take such diligent charge as to ensure under Providence the future honour and illustration of it, which will afford much pleasure to, dear Sir, your good neighbour and sincere friend, BUCHAN." A transcript of the *Mylne MSS.* had, as advised by his lordship, been made, and is still preserved, with a brief genealogy of the family added down to the time of writing.

Bemersyde given to Douglas [for his *Baronage*], April 1764." It has been in various places amended and curtailed by the editor, who has added this note at the end: "The preceding account of this Family was mostly compiled by Mr Thomas Ruddiman, that learned and judicious antiquarian, from the public records before cited." The manuscript is not in Ruddiman's own hand, and a later endorsement says: "This seems to be the handwriting of Roger Robertson, Jr., of Ladykirk." It follows mainly on the lines of Mylne's account, though the traditional period of the family history receives less copious notice. [Cited as *Rud. MS.*]

4. *Anthony Haig's Book*.—This is a small folio manuscript book, bound in parchment, in which Anthony Haig, who was Laird of Bemersyde from 1654 to 1712, sets down his various business transactions, his domestic accounts, the births, marriages, and deaths in his family, &c. [Cited as *A. H. Book.*]

Besides the general mass of family correspondence, there are also elaborate diaries and books of accounts which were kept by James Anthony Haig (1732-90), and by his son James Zerubabel Haig. These, along with the papers of Anthony Haig above-mentioned, are of much value as shedding light on the domestic side of Border life during the seventeenth and eighteenth centuries.

# FAMILY HISTORY

“The world is now aware that historians are to be doubted, that State-papers, even Acts of Parliament, may deceive—may be coined for the purpose of deceiving. But these family documents, the private letters, the household accounts, the memoranda scratched in the leaf of an old almanac, reach us without suspicion, and carry conviction about things as important to happiness as wars and treaties.”—COSMO INNES.

## CHAPTER I.

## TRADITIONAL PERIOD, A.D. 839-1150.

Tradition precedes history—Date of earliest extant Scotch writings—Period of ascertained history in Scotland—Its bearing upon family history—The older Scotch genealogists: their manufacture of pedigrees—The Haig Family: great antiquity assigned to it by tradition—Alleged Pictish origin—Milne's Pictish genealogy of family: I. Druskine, last King of the Picts, A.D. 839—II. Hago, his son, carried in infancy over to Norway—III. Hago, A.D. 961—IV. Arworth—V. Sueno, A.D. 1038—VI. Hago, A.D. 1072-1103—VII. Petrus de Hago: shipwrecked on coast of Berwickshire, founded Bemersyde family, &c.—Pictish genealogy of family traditional and fabulous.

OUR national history begins in tradition, and so likewise does that of our more ancient families. And this is especially true of those Scottish families whose attributed origin dates from before the last decade of the eleventh century: as no contemporary charter, record, or chronicle of older date than this is known to exist, if we except a few marginal entries in Gaelic in the *Book of Deir*—an imperfect copy of the Gospels in the Latin of the Vulgate; which entries are believed to belong to the tenth century. With this exception, the oldest Scotch writing that is now extant, is a charter granted to the monks of Durham by King Duncan II., the

illegitimate son of Malcolm Canmore, whose short and troubled reign of eighteen months came to a tragic close in 1095. And even the authenticity of this charter has not escaped suspicion, although in the opinion of the best judges, such suspicion is without foundation.<sup>1</sup> The earliest unquestioned documents are five charters which were granted by King Edgar, the successor of Duncan, who reigned from about 1097 to 1106; these being on all hand conceded as genuine, and as belonging to the period to which they refer. From the latter date onward charters and other written documents become increasingly abundant, and form the only sound basis for most of the public and private history of the time. Among the older documents, also, is the *Chronica et Mailros*, which contains a record of local and general events between the years A.D. 735 and 1275; but the record of the period from 735 to 1140 is contained in a single leaf, which appears to have been written about the latter date: the rest of the chronicle—which nevertheless is “the most ancient Scotch writing of the nature of continuous history that now extant”—having been written in the thirteenth century.<sup>2</sup>

These facts are of the utmost importance determining the period of ascertained history of Scotland—the period, that is, in which it becomes possible to prove events on the evidence of con-  
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<sup>1</sup> This charter is printed in facsimile in Anderson's *Diplomata Scotiae*, 4; and in the *National MSS. of Scotland*, Part I. No. 2.

<sup>2</sup> Cf. Hailes's *Annals of Scotland* (A.D. 1094), i. 49-50; Stevenson's Preface to the *Chronica de Mailros* (Bannatyne Club); Innes's *Scotland in the Middle Ages*, pp. 78-80, 321-23; Introduction to *National MSS. of Scotland*, Part I, p. viii.; and Rodger's *Feudal Forms of Scotland viewed Historically*, p. 50.

poraneous writings. For general purposes, this period may be fixed as beginning at A.D. 1100. All such family genealogies, therefore, as profess to go back to a period antecedent to this, may be taken as absolutely traditional, and in that degree, for purposes of history, worthless. A distinction, however, requires to be drawn between the history of a nation and that of a family, as regards the value to be placed upon their respective traditions. The general train of national events—the great battles and chief dynastic changes—may survive for a long period, and with some approach to general accuracy, in the oral traditions of a people, before they are committed to writing; but so much can scarcely be assumed for the minute and comparatively unimportant details—the births, and marriages, and deaths—that go to form an ordinary family genealogy, more especially when that genealogy is represented as stretching back into a time long prior to the period of ascertained history, and from which no written record whatever has descended. It was their readiness to frame genealogies of this character that has cast so much discredit upon the labours of the Scotch antiquaries of the seventeenth century, when the manufacture of pedigrees would seem to have been almost a recognised department of antiquarian literature. In this respect, a complete change of methods has been introduced; and a modern historian would as soon think of tracing back the name of the Scottish nation to a daughter of Pharaoh, as a modern genealogist the pedigree of the Campbells to King Arthur, or that of the M'Dougalls to a certain Douall of Galloway who



lived two hundred and thirty years before Christ. It is rather, therefore, as a matter of curiosity, than as an element of history, that the traditional account of the Haigs of Bemersyde is here referred to.

So far back as two hundred years ago, we find a high degree of antiquity assigned to the family of De Haga, or Haig. There is still preserved at Bemersyde a letter, dated at Edinburgh, 4th April 1683, from "James Cuninghame, the antiquirer," to "his much-honoured friend, the Laird of Bemersyde," in which he refers to an ancient charter witnessed by one of the Haigs, and also to the etymology of the family name.<sup>1</sup> The Laird (Anthony Haig) thus addressed, and who had an extraordinary enthusiasm for everything that related to

<sup>1</sup> *For his much-honoured friend the Laird of Bymmersyd, These.*

SIR,—If my memorie deceave me not, I have seen a mortificatione of the Chappell of St Leonards, near to Lawder, Granted be one Richard Morvell, Constable of Scotland, to the Abbacie and Monks of Dryburgh, wher was witness his wife, his sone William Morvell, and amongst others, as I remember, one Petro de Haga de Bymmersyd. This charter is not under King Malcolm the Maiden's time, for Uchtred Lord of Galloway, who was father to the famous Allan of Galloway, married a dawghter of this Richard Morvell's, and upon the death of his sone Wm. Morvell without issue, came this Allan of Galloway to be made Constable of Scotland in right of his grandfather, by King Wm. the Lyon. This mortification I had from my Lord Cardrose, who found it amongst the old wryts of Dryburgh. His Lordship gave it by the hand of the Earle of Marre to the Duke of Lawderdale, who gave it to me to be transcribed, with other old wryts, for his Grace's use; which when I did, I returned them to his Grace, who carryed them for England.

Haga, or De Haga, in the old Dutch, Allmain, or Teutonick, seems to be of the same signification, origin, or import with Haia (whence wee have the surname Hay), both signifieing sepes, or sepimentum cum fossa, a fence or hedge, and often with a ditch, and gives the rise of names to militarie men ffor ther succesfull attemps in martiall actiones in the time of greatest difficultie, pressure, and danger, and more particularly when they are performed rather by way of defence and retreat than aggres and assault.

This is all that can for the present be signified to you in this affair, by, Sir,  
your most humble servt.,

JA: CUNINGHAME.

EDINBURGH, 4 April 1683.

his name and family, seems to have placed a high value on this epistle, since he has not only endorsed it as "the true original letter," but has copied it out in full on a large sheet of parchment, for the better preservation of its contents. On the same parchment also he has placed "A record of what is lately found of the antiquity of the House of Bemersyde recorded in the *Black Book of Paisley*," as he had the same from Robert Mylne, writer in Edinburgh, the author of the Manuscript History already described<sup>1</sup>—"who," he adds, "had the *Black Book*, and extracted out of it the antiquities of Scotland." This record, or extract, states, among other things, that "Hago of Bemersyde, in the Merse, is ancient, and thought to be a Pictish name and family." Whereupon Anthony Haig adds: "It's more than five hundred years since Malcolm the Maiden and King William the Lion's time, more than three hundred years since King Robert II., and more than eight hundred years since the Picts my countrymen was destroyed. So that the antiquity of my house can be traced betwixt eight hundred and nine hundred years; and God knows how long or ancient it was in the Picts' time, for they did reign eleven hundred years before the Subversion" (A.D. 834). Unfortunately for the information upon which the Laird of Bemersyde founds this eulogium, no such passage as that referred to occurs in the *Black Book of Paisley*.<sup>2</sup> Obadiah Haig, in his *Genealogy*, in 1699, makes a statement almost identical with the above,

<sup>1</sup> *Ante*, pp. 12, 13.

<sup>2</sup> The *Black Book of Paisley* is one of the six MSS. of Fordun's *Scotichronicon*. These have now been collated, and a complete text published under the efficient editorship of Mr W. F. Skene.

and probably derived from it. "It's between eight and nine hundred years," he says, "since the Subversion of the Picts, from whence we are descended, who reigned eleven hundred years before they were subdued; and how old the family might then be is uncertain, it being more than probable that they had then lived there of a long continuance, otherwise they had not been spared when the rest were destroyed."

Whatever may have been the nature of the evidence—if evidence there was—upon which this Pictish origin was ascribed to the Haigs, it would appear to have been such as the genealogists of the seventeenth and eighteenth centuries had no serious scruple in accepting. In his Manuscript, Mylne states that the family is acknowledged "by all our historians and writers" to be of "Pictish extract," and that his account of it had been "industriously collected from our own histories and foreign writers:" after which statement he somewhat inconsistently guards himself by adding—"with what truth I know not." In Anderson's *Diplomata Scotiæ*, a similar statement as to the origin of the family is made;<sup>1</sup> and Nisbet in his *Heraldry*, observes: "Some say this family is of British extract, upon what account I know not but the family is of old standing."<sup>2</sup> Ruddiman, in the Manuscript account before referred to, whils he says nothing of the precise origin of the family begins his history, like Mylne, with the pedigree which professes to connect the De Hagas of the twelfth century with the Pictish sovereigns of the

<sup>1</sup> "Illustris hæc olim in Marcia familia, quæ ex Pictico genere orta perhibetur."—*Dip. Scot.*, p. 114.

<sup>2</sup> Vol. i. p. 132.

ninth, concluding this portion of his manuscript with the words—"Thus far tradition and history." Sir Robert Douglas, in printing this account, entirely omits the Pictish genealogy, and introduces the further history as follows: "The family is of great antiquity in the South of Scotland. . . . Some authors are of opinion that they are of Pictish extraction; others think that they are descended of the ancient Britons; but, as we cannot pretend by good authority to trace them to their origin, we shall insist no further upon traditional history, and proceed to deduce their descent by indisputable documents."<sup>1</sup> The subsequent printed notices of the family have without exception been based on the work of Douglas, and in these the Haigs have been variously referred to as of Pictish, British, or Danish descent; Walford,<sup>2</sup> till within these few years, notifying that the family is said to have come from Norway, and even placing its settlement in Berwickshire as early as A.D. 800.

So far as appears from the above-cited authorities, the theory of the Pictish descent of the family would seem to have been first promulgated by Mylne, if it did not even originate with him. It may have been that a tradition to this effect had previously existed, but its appearance in written or printed documents cannot be traced further back than the latter portion of the seventeenth century, and Mylne's name is from the first connected with it. The Pictish pedigree which he has recorded is a highly ingenious effort of the historical imagination, and forms an interesting specimen of the genealogical

<sup>1</sup> *Baronage*, p. 132.

<sup>2</sup> *County Families* (1875).

productions of his age. It is skilfully worked out in its details, is most elaborate and complete in the matter of marriages and successions, and contains not a few picturesque touches. Hence no apology is necessary for giving this portion of the *Mylne Manuscript* entire.

I. DRUSKINE, the last King of the Picts, was defeated seven times in one day by Kenneth, King of Scots, who pursued his victory so vigorously that all were either slain, or fled to the great city of Camelon, which also was besieged by King Kenneth, who, taking it by storm, slew all he found alive therein, and amongst the rest their King, Druskine, and united their kingdom to his. This happened in the year of our Lord 839.<sup>1</sup>

II. HAGO, his son, upon the destruction [of the] monarchy of his father by the conquering arms of King Kenneth II., being at that time a child, narrowly escaping, was by some of the remains of his father's family secretly conveyed to Norway, A.D. 840, where safely arriving, he was well received and entertained by King Olaus II. of Norway, and was by that King, when he came to age, advanced to the dignity of commander-in-chief of his whole armies.<sup>2</sup> He married Cunegunda, that king's sister's daughter, by whom he had Hago his successor.

III. HAGO, his son, who being glad of an opportunity to make war against the Scots, to revenge his grandfather's

<sup>1</sup> The year 834, not 839, is usually given as the date of the Subversion of the Picts. The *Chronicle of Huntingdon*, says Skene, states that, "in the year 834, the Scots encountered the Picts on Easter Day, when many of the Pictish nobles fell, and Alpinus [the Pictish name for Kenneth] Rex Scotorum was victorious." It is also stated that in the twelfth year of his reign, Kenneth II. "encountered the Picts seven times in one day, and having destroyed many, he confirmed his kingdom, and reigned twenty-eight years." This, adds Skene, "seems a fragment of true history."—Skene's *Chronicles of the Picts and Scots*, pp. clxxxvii-viii. Cf. Buchanan's *History of Scotland*, Book V., and Ridpath's *Border History*, pp. 26, 27.

<sup>2</sup> Ruddiman has further ascertained for us that this Hago "lived to the age of ninety-five years."—*Rud. MS.*

death, joined Hagon, King of Norway, and Helric, King of Denmark, who came with a mighty navy to the coasts of Scotland, assaying to land with their whole army, first in the Forth, and then in the river of Tay, but were repulsed by the Scots; so that at last, feigning as they would have taken their course homewards, they launched forth into the main sea, but within four days after, returning again to shore, they landed their people early in the morning upon the coast of Boene, at a place called Cullen; upon notice whereof, Indulph King of Scots raised his power and pursued them, and giving them battle utterly discomfit them, and among others the said Hago was killed also. This was A.D. 961; yet not without the death of the King of Scots, who was killed by an ambush of the enemy. He married Florida, daughter to Arwoth, a petty King of Norway, by whom Arwoth his successor.

IV. ARWOTH, his son, so named from his mother's father, who being known to bear a deadly feud and envy against the Scots, was chosen by the King of Denmark and Norway to be commander-in-chief of a great fleet sent by him against the Scots, who, landing, were entirely defeat at the battle of Luncarty, in the reign of Kenneth. He married, in his father's lifetime, Antonietta, daughter of Aubior, King of Sagan, in Norway, by whom Sueno his successor.

V. SUENO, his son, so called after the then King of Denmark. He was of big stature, and the best warrior in his time, and for his valour was advanced to be general of the said King's whole forces, who performed to that King many good services in his wars. He died 1038. He married —, Sueno King of Denmark's second daughter, by whom Hago his successor.

VI. HAGO, his son, was principal commander of the great fleet of two hundred sail of Danish ships, which came to invade England in the time of William the Conqueror, A.D. 1072, which returned unsuccessful; as also by another more successful, only by the Danes

See the English Chronicles in the time of William. Conq., and Scots Chronicles in reign of King —.

against Scotland, 1093, wherein the Orcades and Menevian Islands were wrested from the Scots by Magnus, King of Norway, which had belonged to the Scots for near two thousand years before. Ao. 1103, the said King Magnus having made a league with Moriertach O'Brien, King of Ireland, of a great part of which kingdom the said Magnus had possessed himself of, and looked only on the said Moriertach as his vassal, in so far as he sent this Hago as ambassador to him, with his shoes, commanding him to carry them on his shoulders on the day of the nativity of our blessed Saviour Jesus Christ, in sign of his subjection. He married Dorothea, daughter to the Duke of Oldenburgh, by whom Petrius, his successor.

See *Danish  
and Irish  
Chronicles.*

VII. PETRIUS DE HAGO, his son, was with others sent by Harold IV. King of Norway, to Sivethland, but the ship wherein he was, being by storms and contrary winds driven towards Eyemouth, on the south coast of Scotland, where the ship being cast away, where amongst others that were cast away he lost three sisters and five brothers. But Petrius, a gallant youth, in this sad distress, cast himself in the mercy of the sea, and by his excellent skill in swimming arrived safely to land; and being thus accidentally saved, resolved never to take the sea again, but to try his fortune in Scotland; where not long remaining, his noble parts and qualifications recommended him to be taken notice of by Cospatrick Earl of March, who proved to him a real friend in this his great distress, and for the love he bare unto him, and on consideration of his noble birth, gave him in marriage one of his daughters called Joscelina, and with her in portion the lands of Bemersyde, in the Merse.<sup>1</sup>

<sup>1</sup> "Petrus de Hago, who, being forfeit with his brother-in-law (?) the Duke of Oldenburgh, by Harold King of Norway, abandoned that country, and in a storm was shipwrecked at Eyemouth, in Berwickshire, then belonging to Cospatric Earl of March, who gave him in marriage Jacobina his daughter, and with her the lands of Bemersyde."—*Rud. MS.* "Jacobina" is here probably only a misreading of Mylne's "Joscelina," as the transcriber of *Ruddiman's MS.* frequently makes such mistakes.

So much for the alleged Pictish origin of the family. The elements of heroism and romance enter largely into the composition of the narrative in which it is embodied, and lend to its recital a certain attraction; yet, notwithstanding this, it must be set aside as but a specious fable. It is impossible to verify it; no proof is forthcoming. The writer, it is true, is careful to parade in the margin of his manuscript a goodly array of chronicles and histories; but these, when appealed to, will be found to afford nothing by which we may connect the Hacos and Arwoths and Suenos of history with the Scottish family of De Haga of Bemersyde.<sup>1</sup>

<sup>1</sup> Some such genealogy as the above, displaying as it does so surprising an acquaintance with the domestic affairs of a family that is represented as living and acting more than a thousand years ago, may have been in the mind of Scott when he makes Captain Clutterbuck, of Kennaquhair [Melrose], say of his acquaintance the Benedictine monk: "The man in the iron-grey suit showed a much more minute knowledge of these particulars [the families and antiquities of the neighbourhood] than I had the least pretension to. *He could tell the very year in which the family of De Hagu first settled on their ancient barony.* Not a thane within reach but he knew his family and connections, how many of his ancestors had fallen by the sword of the English, how many in domestic brawl, and how many by the hand of the executioner for march-treason. Their castles he was acquainted with from turret to foundation-stone; and as for the miscellaneous antiquities scattered about the country, he knew every one of them, from a cromlech to a cairn, and could give as good an account of each as if he had lived in the time of the Danes or Druids."—*Introductory Epistle to the Monastery.*



## CHAPTER II.

## RISE AND PROBABLE ORIGIN OF THE FAMILY.

Inquiry as to the rise and origin of the family—The earliest documents in which the name occurs—Two charters of Richard de Morville—Their probable age—Bearing of Charter evidence on inquiries of this nature—The settlement of English and Norman adventurers in Scotland: the De Morvilles; the Earls of March—The surname of Haig: whence derived—The indications afforded of a Norman origin for the family—Probable period of immigration, and ascertained date of appearance in Scotland.

HAVING abandoned the alleged Pictish descent of the Haigs of Bemersyde as alike unverifiable in itself and inconsistent with known history, it remains that a probable origin be sought for the family in other directions, and by a process more in accordance with the recognised methods of historical inquiry. In thus detaching the family of Haig from their supposed connection with the Pictish monarch Druskine—himself unnamed in the *Pictish Chronicle*, and not improbably fictitious<sup>1</sup>—nothing is done that can be said to detract from their otherwise sufficiently honourable antiquity. On the other hand, to thrust the origin of a family beyond the verge of ascertained history, and envelop it in the mists and dark-

<sup>1</sup> See Skene's *Chronicles of the Picts and Scots*, p. cxxiv.

ness of a period whither it is impossible to follow it, is to pursue a course which not only confers no lustre upon the pedigree so dealt with, but is liable to cast suspicion even on those portions of it that are capable of proof. As a preliminary, therefore, in the inquiry as to the rise and origin of the Bemersyde family, it is necessary to discover, and as nearly as possible to fix the date, when the name of Haig first occurs in indisputable documents.

There are eleven charters belonging to the latter half of the twelfth century, in which the surname Haig is to be found in one or other of its earlier forms. All of these charters, like most charters of the period, are undated; but the date in each case may be ascertained with tolerable accuracy from the names of the individuals mentioned therein, either as grantors, witnesses, or otherwise. What must, on this kind of evidence, be taken as the earliest of these eleven charters, is one granted by Richard de Morville, chief of the powerful family of that name, long ago extinct, but who possessed at the time referred to almost the whole of Lauderdale, one of the three great divisions of Berwickshire. This De Morville is therein designed Constable of Scotland, which high office he held for twenty-seven years in succession to his father Hugo de Morville, the first Constable of the name, who died in 1162. The charter referred to is printed in Anderson's *Diplomata Scotiæ* (No. 75), and besides serving our immediate purpose, is of interest as throwing light upon the state of serfdom that existed among the lower orders of society in Scotland at the period in question. It bears that Richard de Morville, Con-

stable of Scotland, sold to Henry St Clair, Edmund, the son of Bonda, and Gillemichel his brother, and their sons and daughters, and all their progeny, for the sum of three merks (forty shillings); but stipulating, that if they leave St Clair by his consent, they shall not pass to the lordship of any other lord, nor to any other lord or land than De Morville. The chief witnesses are—Alanus, son of Elrus; Robertus, son of Sewale; Normannus de Fauchnes, and Patricius his brother; *Petrus del Hage*; <sup>1</sup> Robertus del Congleton; Alden, son of Cospatric.

The grantor of this charter succeeded his father, as above stated, in 1162; Cospatric, third Earl of March, father of the last-named witness, and who is here spoken of as if still alive, died in 1166; <sup>2</sup> so that the date of the charter may be fixed as between 1162 and 1166.

The next charter, in point of time, in which the name of De Haga appears, proceeds from the same Richard de Morville, and is characteristic of those religious times when, as Chalmers remarks, "the monks had much to ask, and the kings and barons much to give." By this charter, De Morville conveys to the blessed Mary and St Leonard, and the infirm Brethren of the Hospital of Lauder, that land where the Hospital is situated, beginning the bounds at a place where Merburne falls into the Leader, and thence as described; with other lands, teinds, &c., and with various privileges, in free and perpetual alms. The names of nine witnesses are

<sup>1</sup> "*His testibus . . . Petro del Hage.*"—This name is given by Nisbet and those who follow him as *Petrus Odell de Haga*—a curious misreading.

<sup>2</sup> *Chronica de Mailros*, p. 80.

adhibited to the charter, the principal of whom are Avicia, wife of the Constable; William de Morville, his son; Clement, his chaplain; Alanus de Thirlestan, Henricus de Sencler, and *Petrus de Haga*.<sup>1</sup> The date of this charter—the “deed of mortification of St Leonard’s,” as it is usually called by the older genealogists—may be assigned to a later period in the Constable’s life than the former deed, say about 1180, seeing that his son William is of age to appear among the witnesses to the same.

But our present purpose does not require that any specific date should be assigned to either of the foregoing deeds. It is sufficient for this inquiry to find that the name De Haga first occurs either in the end of the reign of Malcolm IV., who died in 1165, or in the beginning of that of his successor William. This Petrus must at least have reached manhood when he signed the earlier of these documents; and it may also be reasonably assumed that he had been for some years settled in the district, and was familiarly and honourably known to those whose deeds he thus attested. In these circumstances, therefore, the date of the rise of the family of Haig in the South of Scotland may be given approximately as not later than A.D. 1150.

But, as is observed by Aikman in one of his controversies with the author of *Caledonia*, the fact of a name being attached as a witness to old charters, although it prove the existence of the family at the time in Scotland, proves nothing with regard to its origin. This may generally be admitted. On the other hand, however, if such a circumstance of itself

<sup>1</sup> *Liber de Dryburgh*, pp. 269-71.

proves nothing as to the origin of a family, it may still afford some intelligible clue to the solution of the problem. And in the present instance, some such clue is, we think, obtainable—first, from a consideration of the sources whence the ranks of the higher classes in Scotland were at the time referred to being augmented; and, second, from certain considerations as to the derivation of the family surname.

Regarding the first of these subjects of inquiry, every one knows that Malcolm Canmore during his reign gave much encouragement for the settlement of strangers of distinction in Scotland; and that, later on, in the time of his son David I., the troubles that followed upon Stephen's usurpation of the English crown induced many barons, both English and Norman, to seek refuge in the northern kingdom. From the time of the Conquest, indeed, when the English monarchs held a kind of double sovereignty—being at once kings of England and rulers of Normandy—there was frequent intercourse between the peoples forming the two nationalities; and it might be expected that from time to time fresh bands of military adventurers would pass from the one country to the other, more especially from Normandy to the larger and newly acquired territory of England. Many of these adventurers, as we know, found their way northwards into Scotland, where, under David I. and his grandson Malcolm, the prospects of territorial settlement were more encouraging than in the southern kingdom. Moreover, that portion of the Scottish territory north of the Tweed, in which Bemersyde is situated, and which formed the upper section of the ancient Kingdom of Northum-

bria, appears to have been, between 1124 and 1154, parcelled out by David among the chief of these adventurers and their followers. At the latter date, nearly the whole of Lauderdale was held by the Norman sept of De Morville; and almost all the Merse, or March, of Berwickshire was in the possession of Cospatric, the descendant of the old Earls of Northumberland, and who therefrom acquired his title of the Earl of March. The part also which David I. took with his niece Matilda and the Angevin Henry Plantagenet against Stephen, would naturally foster a closer degree of intimacy between the Courts of Normandy and Scotland; and when Henry, in 1149, came over to Carlisle for the purpose of conferring with David as to the measures to be adopted against Stephen, it is not improbable that he brought in his train from his Norman territory many adventurers of noble birth and soldier-like qualities, who would readily be tempted, by the prospects of military distinction and territorial settlement, to take permanent service under so munificent a prince as the Scottish King. It may have been in some such expedition as this that the bearer of the name of *De Haga* first found footing, and afterwards settlement, in Scotland.

Our second, and chief, reason for this supposition is founded upon certain considerations as to the derivation of the name itself. Of the actual origin of the surname Haig, there is no more direct historical evidence than in the case of many other surnames. But unlike many of these, the word in this instance presents, as to its original form and meaning, little or no difficulty, being evidently a well-known

Teutonic noun, common to all the Germanic languages, which passed from a place into a personal name. The Teutonic word *haga*, signifying an enclosure, is found both in the Old Saxon and Old English tongues, and survives still in a great variety of forms and combinations. From the ordinary application of this word, the ways in which it may have become a personal surname are endless, although special circumstances enable us to indicate for some of these ways a higher probability than for others.

In the case of the surname Haig, the pedigree of the word admits of something like historical definition. In his book on *Scotch Surnames* (p. 55), Cosmo Innes has set down that of the Bemersyde family in his list of "territorial names;" but as he does so without a word of note or comment, we are left to conjecture what opinion he may have formed as to the whereabouts of the territory which conferred the appellation. No place bearing this name is to be found either in Scotland or England, hence we are constrained to look elsewhere for its source. And this, we think, may be satisfactorily done. While the word *haga* is of Teutonic origin, we find it also occurring in Old French as *La Hague*—the name of the cape which forms the north-west termination of the peninsula of Cotentin, in Normandy.<sup>1</sup> This name is said to have been derived from a huge dike or earth-work, four miles long, called the *Haguedike*, which runs across the peninsula near the town of Beaumont, and the construction of which is attributed to the Northern hordes who in the ninth cen-

<sup>1</sup> This place is frequently confounded with *Cape de la Hogue*, which lies on the eastern side of the peninsula, about thirty-five miles distant from La Hague.

tury landed on this point, and gradually acquired the full possession of that territory which in the following century they called Normandy. To this spot, therefore—the most northerly projection of the modern La Manche, where it pushes its wild cliffs of granite far out into the English Channel—we would trace the origin of the name of Haig, as borne for more than seven centuries by the Bemersyde family. What more likely, when the wild Sea-kings of the North had at the first made good their footing on this hostile promontory, than that they should proceed to cast up a barrier between them and the aggressive inhabitants, in order to secure the safe possession of their camping-ground, and maintain communication with their fleet? This enclosure they would in their own vernacular describe by the word *haga*; which name, passing by regular phonetic law into its French form of *hague*, would in course of time be applied to the Cape itself; and then, in the twelfth century, when their Norman descendants came to hear of the splendid rewards for military prowess to be won on the newly conquered soil of England, may we not suppose one of their youthful barons equipping himself for this fresh field of adventure—carrying with him into his new home the name of the old home in Normandy which he had quitted, and subscribing himself for the future as *Petrus de la Hage*—that is, Peter of the Hague?<sup>1</sup>

This theory of the Norman origin of the family we are disposed to put in the place of the apocry-

<sup>1</sup> For a valuable note on the philology and phonology of the name Haig, I am indebted to Dr. J. A. H. Murray, President of the Philological Society, and editor of the Society's great Dictionary now in preparation—in days bygone Secretary of Hawick Archaeological Society.—See Appendix No. I.



phal and ridiculous Pictish descent which we have already examined and discarded. Though it was not strictly necessary for the purposes of this history that any theory whatever should be hazarded regarding a question which in its very nature is obscure, and must always in some degree be conjectural; yet at the same time it forms an interesting and quite legitimate branch of inquiry in connection with the subject. The name, as we have seen, has on high authority been classified as a territorial one; we have here endeavoured to trace the parent territory to Normandy; and these, together with what is deducible from the etymology of the name itself, seem sufficient to establish the Norman extraction of the family. "It should be remembered," says Freeman, "that a local surname taken from a place in Normandy is a sure sign of Norman descent, but that it is the only sure sign."<sup>1</sup>

Other questions in this connection might here also be discussed—such as when and how the earlier Haigs first became possessed of their territory of Bemersyde, and from whom and on what conditions they originally held their lands; but these can be more intelligibly considered at a somewhat later stage, when we have the terms of their first charters to guide us in the inquiry. In the meantime, the general conclusion to which the argument in this chapter points, is, that the first De Haga probably came from the locality of Cape de la Hague, in Normandy; while the evidence otherwise adduced is sufficient to establish the fact that the family are to be found settled in Scotland about A.D. 1150.

<sup>1</sup> *History of the Norman Conquest*, v. 567.

## CHAPTER III.

1150-1240.

Appearance and condition of the Scottish Borders in the twelfth century—I. PETRUS DE HAGA, founder of Family, A.D. 1150-1200 : list of charters in which his name appears—His possession of Bemersyde—II. PETRUS DE HAGA, A.D. 1200-28 : charters to which he is a witness—His first grant of land, &c., to Dryburgh Abbey, 1215-20—Social aspect of the Borders in thirteenth century—The villages of Bemersyde, Bowden, Newton, and Clarilaw—Lands and rents of cottagers and husbandmen—Condition of the serfs—Inquiry as to how the lands of Bemersyde were acquired and held by the early Haigs—Their relations to neighbouring overlords—Their burial-place in Dryburgh Abbey—III. HENRICUS DE HAGA, A.D. 1228-40 : charter of Alan Fitz-Roland, Constable of Scotland.

THE Borderland of Scotland at the time when the first De Haga settled there was in many respects very different to what it is now. Next to those everlasting hills and majestic rivers which best defy time and change, the great stretches of forest and woodland that everywhere prevailed formed the chief external feature of the Border country. From the Cheviots to the Lammermoors, the higher grounds were clothed in all the waving luxuriance of a primeval forest : the hillsides that now stand out bare and brown being dark with ancestral pines, or shaded by wide-spreading groves of vener-

able oak. Round Jedburgh and Hawick were immense belts of country covered with trees, the traces of which are visible to the present day. At Bowden, in Roxburghshire, was a wood of five hundred acres; and almost the entire area of the county of Selkirk was one vast forest, abounding in magnificent herds of deer—"hart and hind," says the old poet, "doe and roe, and of all wild beasts great plenty." Oaks from Selkirk Forest were then thought gifts worthy of a king, and many such gifts did the kings make. The lofty mountains between the Yarrow and the Tweed, which now yield no higher growth than the heath and the bracken, then bore upon their heaving flanks a "dark forest," which a royal army of a later day still thought was "awsome" to see.<sup>1</sup> The whole country between the Gala and the Leader, down to the Eildons, was covered with wood, the memory of which is still retained in the nomenclature of the district. We have Langshaw, and Allanshaw, and Hareshaw; Broadwoodhill, and Wooplawwood, and Oakendean. Even on the estate of Bemersyde, were Woodhead, and Flatwood, and Threepwood—names now either lost, or shorn of their significance.<sup>2</sup> These forests afforded abundant fuel to all, as well

<sup>1</sup> "The King was cumand thro' Caddonford,  
And full five thousand men was he;  
They saw the derke foreste them before,  
They thought it awsome for to see."

—*Ballad of the Outlaw Murray* (temp. James V.)

<sup>2</sup> In describing the South of Scotland as anciently a well-wooded country, it is not without considerable hesitation that I have ventured to differ from so competent an authority as Cosmo Innes—(See *Sketches of Early Scotch History*, pp. 100, 101). In discussing this matter, however, he seems to have entirely overlooked the evidence afforded by the place-names of the district, which, taken in conjunction with the terms of many of the earlier charters, seems to afford sufficient ground for the belief above expressed.

as the material which was then almost solely used in constructing the houses of the common people.

But hill and river, forest and woodland, were not the only conspicuous objects in the landscape. Next to these were the great castles and fortresses of the higher nobility, occupying the prominent outlying spurs of the lower hills, or capping the loftier eminences in the valleys, the huts of their numerous vassals and bondagers grouped around them; while from the midst of luxuriant orchards and plantations in the plains below, rose the turrets and spires of the churches and monasteries, and ecclesiastical palaces peculiar to the age—stately edifices, reared after the most splendid patterns which architecture could devise, and beautified by all the skill which the sculptor could command. And perched defiantly on many a crag and place of vantage, were the peel-towers and strengths of the lesser barons, guarding not only the principal valleys, but also the openings of the glens and passes that led upwards into the secret recesses of the hills, down which flowed, as they flow to-day, the hundred tributary streams that fed the waters of the Ettrick, the Teviot, and the Tweed. The principal rivers were then less restricted in their course than now; for at that time the beautiful haughlands and meadows which modern industry has reclaimed, were in general mere wastes of bog and morass, studded with clumps of willow and alder, and fringed with beds of water-fags and rushes, where the boom of the bittern resounded at nightfall, and flights of wild-fowl darkened the sun at noonday. These fens and marshes, during the period of international warfare, were skil-

fully utilised by the inhabitants, who were in the habit of diverting bands of the marauding Southron into such impassable spaces, and there cutting them off. The higher valley-levels, where cleared of wood, were devoted to purposes of agriculture, the scanty crops which the soil yielded to the spade of the peasant, being sufficient, when combined with the products of the chase, to meet the simple wants of a hardy and warlike people. Round the castles of the nobility, and especially in the vicinity of the greater religious establishments, a higher degree of cultivation prevailed; their stocks of horses, cattle, and sheep, found ample natural pasturage everywhere, and great herds of swine fed in the forests; while the carefully tended enclosures of the monks, rich with waving grain, and smiling in plenty, formed a pleasing contrast to the sombre woods which clad the sheltering slopes of the hills around.

To one who came, as we suppose Petrus de Haga to have come, from Normandy to Scotland at this time, there would be much in the latter to remind him of the country he had left, both in the architecture of the churches, and in the dress and manners of the nobles, many of whom were, like himself, Normans. Unfortunately, the scanty records of that distant period throw but little light upon the personal character and career of the founder of the family of Bemersyde, such knowledge as we have being mostly inferential, and gleaned from the scattered contemporary documents in which his name appears.

He is said by Douglas to have lived down to the

I. PETRUS  
DE HAGA,  
A.D. 1150-  
1200.

year 1200,<sup>1</sup> and this is rendered probable by various considerations respecting the charters in which his name appears as a witness. Of these charters, as already mentioned, there are eleven now extant, the following being a list of the same (including the two described in the previous chapter), with their approximate dates, and the particular form in which his name appears in the list of witnesses appended to each :

1. Charter by Richard de Moreville, Constable of Scotland, to Henry St Clair of Edmund, and his brother Gillemichel, and their sons and daughters (as already described). 1162-6. *Petrus del Hage*.<sup>2</sup>
2. Charter by same, in which certain lands are conveyed to the blessed Mary and St Leonards, and the Brethren of the Hospital of Lauder (as already described). c. 1180. *Petrus de Haga*.<sup>3</sup>
3. Charter by same, and Avicia his wife, in favour of the Church of St Mary and the Monks at Melros, in perpetual alms, of the Chapel of St Mary of Park, with the whole court (*curta*) belonging to the said chapel; and the land of Milcheside. c. 1180. *Petrus de la Hage*.<sup>4</sup>
4. Charter by same, giving to the Church of St Mary and the Monks at Melros, liberty of ploughing and sowing the whole lands of Blanesleye, and the whole level in circuit round the wood to the Ledre. c. 1185. *Petrus de la Hage*.<sup>5</sup>
5. Charter by William de Morville (son of the above Richard, and granted in his father's lifetime) to the Monks of Melros, in augmentation of the lands of Milcheside, "held of his father," certain lands and pasture. c. 1185. *Petrus de la Haghe*.<sup>6</sup>
6. Charter by William de Morville, Constable of the

<sup>1</sup> *Baronage*, p. 132.

<sup>2</sup> *Liber de Dryburgh*, pp. 269-71.

<sup>3</sup> *Ibid.*, i. 82.

<sup>4</sup> *Dip. Scot.*, No. 75.

<sup>5</sup> *Liber de Melros*, i. 96-98.

<sup>6</sup> *Ibid.*, i. 86.

King of Scots, in favour of James Laudun, of the lands of Laudun, by their boundaries, "in wood and plain, in meadows and pastures, in monasteries and mills," &c., for the service of one Knight. *c.* 1190. *Petrus de la Hage*.<sup>1</sup>

7. Charter of Robert de Kent, giving to the Church of St Mary at Melros, two parts of that land and territory of Innerwic which the monks of Kelso held of him in perpetual alms. *c.* 1190. *Petrus de la Hage*.<sup>2</sup>
8. Charter by Alan Fitz Walter, Steward of Scotland (*Dapifer*),<sup>3</sup> quitting all claim he had to the pasture-land of Bleinsley, in favour of the Monks of Melros. (See above, No. 4.) *c.* 1190. . . . *de la Haga*.<sup>4</sup>
9. Charter by William de Hunum (Hownam), son of John, in favour of the Monks of Melros, in pure alms, of a tract of land designed in title of charter as "Rasauwe."<sup>5</sup> *c.* 1190. *Petrus de la Hage*.<sup>6</sup>
10. Charter by Hugh de Normanneville, and his wife Alina, in favour of the Church and Monks at Melros, of the lands of Keluesete and of Faulawe, in perpetual alms. *c.* 1200. *Petrus de la Hage*.<sup>7</sup>
11. Charter by Roland de Galweia, son of Uchtred,<sup>8</sup> Constable of the King of Scots, in favour of the

<sup>1</sup> *National MSS.*, Part II. No. 2.

<sup>2</sup> *Liber de Melros*, i. 48, 49; Innes's *Sketches of Early Scotch History*, p. 18.

<sup>3</sup> "In a charter of donation by Allan, son of Walter, Dapifer to William King of Scots, to the Abbey of Melrose, of a certain portion of wax to be lighted at the altar of St Mary, to be paid yearly at the feast of Pentecost, out of the rents in the village of Thirlestane, by Howen, son of Gillemichaell, who held of the grantor these lands, the witnesses are Joscelin, Bishop of Glasgow [A.D. 1179-97], and Petro de la Haga."—*Mylne MS.* Of this charter, which Mylne cites as from the Melrose Cartulary, I have been unable to find any trace.

<sup>4</sup> *Liber de Melros*, i. 84, 85.

<sup>5</sup> Raeshaw—*i.e.*, the *Roe-wood*—in Teviotdale. Similar names are common over the counties of Roxburgh and Selkirk, and are indicative of the game with which these districts anciently abounded.

<sup>6</sup> *Liber de Melros*, i. 122, 123.

<sup>7</sup> *Ibid.*, i. 79-81.

<sup>8</sup> Uchtred, Lord of Galloway, succeeded to the office of Constable of Scotland, as the husband of Elena, only daughter of Richard de Morville, and heiress of her brother William, who died in 1196, and who was the last male representative of the great mediæval house of De Morville.

Monks of Kelso, of a salt-pit at Lochkendeloch, and other privileges of pasture, &c., in perpetual alms. c. 1200. *Petrus de la Haga*.<sup>1</sup>

Such documents as the above reflect, in general, less strikingly the condition of the individual, than that of the community of which he formed a part. To appear in the list of witnesses appended to these charters was of itself a mark of social distinction, such witnesses being almost exclusively selected from the ranks of the nobility and lesser barons, and the higher ecclesiastics. The appearance of the name of Petrus de Haga in the deeds above cited, extending over so long a series of years, and all of them connected with the neighbouring religious houses or families, indicate that he had already taken up a permanent residence in the district, and was throughout that period recognised not as an alien and stranger, but as a settled member of the community.<sup>2</sup>

So far as the existing records go, the first De Haga might be supposed to have made no grants on his own part to any of the religious establishments in the vicinity; although, on other grounds, as shall afterwards appear, there is reason for believing that he may have done so. The first existing deed emanating from the family itself belongs to the time of his son and successor, who about fifteen years after his father's death dedicated cer-

<sup>1</sup> *Liber de Kelso*, i. 211, 212.

<sup>2</sup> Obadiah Haig, referring to this period, says: "There was formerly no person in Scotland admitted as witnesses to deeds or charters of trust, but persons of honour or quality; which denotes the ancientness of the family then. They not being above the spheres of private gentlemen, their honour was their integrity."—*O. H. MS.*



tain lands and property in Bemersyde to the Abbey of Dryburgh. The general tenor of the charter granted by his son shows that, while the name of Bemersyde nowhere occurs in connection with the first De Haga, the estate had nevertheless been in the possession of the family for many years prior to the date of the grant. The mere absence of a territorial appellation from such mention as we have of the first De Haga, is not sufficient to throw doubt on the fact of his having possessed the lands of Bemersyde; because, in the case of his son, who expressly makes certain grants out of his "lordship of Bemersyde," the name of the estate likewise nowhere occurs in connection with his name in the deeds to which it is adhibited as a witness. One object of the writers of these early charters seems to have been to condense the subject-matter into as small space as possible; and, as a rule, where the name of a witness was of itself, as in this instance, sufficiently distinctive, a territorial appellation was rarely added.

Almost nothing, therefore, that is authentic is known of Petrus de Haga, first of the name, except what is contained in the documents above enumerated. Mylne, and after him Ruddiman, state that he married Joscelina, daughter of Cospatric Earl of March, and in proof of this they cite certain charters in the Cartulary of Kelso wherein he is "always designed by the said Earl as *filius meus charissimus*."<sup>1</sup> This being an averment of some importance as to the early history of the family, every means has been taken in order to verify it, and for

<sup>1</sup> Ruddiman, in his MS., quotes it as *filius meus*.

this purpose not only the Cartulary of Kelso, but also the Cartularies of Dryburgh, Coldstream, and Melrose, have been minutely examined, as well as the large and valuable collection of Charters by the Earls of March, printed in the Appendix to Raine's *History of North Durham*; but in none of these is any such expression to be found, either as applied to Petrus de Haga, or any other individual. It is indeed rather a curious fact in relation to these two families, whose lands adjoined each other, that in none of the numerous charters of the successive Earls of March do any of the De Hagas appear either as witnesses or otherwise. The above statement must therefore be set aside as simply one of those of which the older genealogists were unhappily so prolific—possibly a coinage in this case in order to give verisimilitude to the story of the shipwreck at Eyemouth, and the subsequent transactions represented as having taken place between the apocryphal Hago and Cospatric Earl of March.<sup>1</sup> And while what is thus averred of the marriage of the first De Haga to Joscelina, daughter of Cospatric, is disproved negatively, it is further rendered unauthentic by the circumstance that in the charter already referred to, granted by his son, the latter incidentally mentions the name of his mother, which was not Joscelina, but Goda. No indication, however, is afforded as to the family to which she belonged.

Beyond these few facts, nothing that is trustworthy can be narrated of the founder of the family of Haig of Bemersyde. That he first appears in Scotland about the middle of the twelfth century—that he

<sup>1</sup> *Ante*, p. 26.

took rank among the lesser barons of his time—that his name was honourably associated with the chief of the nobility in the district where he resided—that he married, and had a son and successor—and that he died about the beginning of the thirteenth century : this is all that a reasonable use of the materials at command enables us to say of him. It would certainly be of interest could we know more ; but it is better that we should content ourselves even with this small amount of knowledge, based as it is upon a substratum of historical evidence, than that we should endeavour to resuscitate a series of fabulous inventions that perish in the using.

A fuller light, however, is thrown upon Bemersyde and its family in what is ascertainable of the history of his son and successor, Petrus de Haga, second of the name. With him the lands of Bemersyde are not only identified on documentary evidence, but instructive glimpses are afforded us of the social circumstances of the family in itself and its surroundings.

Besides the single charter which he himself granted, there are three others extant to which, as we judge, the name of this second Petrus is adhibited as a witness, and which, in point of time, precede the grant issued under his own hand.

II. PETRUS  
DE HAGA,  
c. 1200-28.

1. A curious agreement between the Abbot and Monks of Kelso, and William de Vipont (de Veteri Ponte), whereby they arrange all the complaints which the said William had against the monks ; and specially he for ever acquits them of bringing back the bones of his father from England, and burying them in the cemetery of Kelso ; and the Abbot grants to the

said William that the soul of his father should be remembered *by name* among other benefactors of the abbey. Dated at St Andrews, the 4th day before Pentecost, 1203. *Petrus de Haga*.<sup>1</sup>

2. Charter by Allan, son of Roland de Galweia, Constable of Scotland, to the Monks of Kelso, of five carrucates of land in Ulfkeleston, in Lawderdale, in perpetual alms, with the mill if they desire it. c. 1206. *Petrus de Haga*.<sup>2</sup>

3. Charter by the same, granting to the said Monks eight shillings annually from the same lands, or that part which was Gillefalyne's, and others. c. 1213-14. *Dominus Petrus de la Haga*.<sup>3</sup>

From the circumstance that in the last of these three charters this witness is designated as *Dominus*, and that the names of all the other witnesses to the charter are likewise so designated, it has been suggested that this Petrus was a cleric. But this does not necessarily presuppose that he was not at the same time *Dominus*, or lord, of Bemersyde, as he may have been a secular rector, such being often men of property and family. Douglas says that "the designation of *Dominus* to this Petrus, and his large possessions, sufficiently show that this family were considerable barons even in those early times."<sup>4</sup>

This Petrus is said to have married a daughter of Sir Henry St Clair of Carfrae, named Ada, and by her to have had two sons—Henry, who succeeded him, and Cospatric, "so called from the Earl of March."<sup>5</sup> Sir Henry St Clair was *vicecomes*—that is, Sheriff—to Richard de Morville, who gave him separate grants of the lands of Carfrae and Her-

<sup>1</sup> *Liber de Kelso*, i. 112.

<sup>2</sup> *Ibid.*, i. 201.

<sup>3</sup> *Ibid.*, i. 201-3.

<sup>4</sup> *Baronage*, p. 133.

<sup>5</sup> *Mylne MS.*

mandston, in Lauderdale. Whether the wife of Petrus de Haga was a daughter of Sir Henry St Clair, or not, cannot be verified; but that her name was Ada is borne out by the charter given below.

This charter, the oldest deed that is now extant emanating from the Haigs of Bemersyde, is one in which Petrus de Haga grants two oxgates of land in Bemersyde, and one messuage and yard, as also part of his forest of Threepwood, to the Abbey of Dryburgh.<sup>1</sup> The deed is undated, but belongs probably to the period from 1215 to 1220, as we find it was confirmed in the latter year by the Bishop of St Andrews,<sup>2</sup> and again on the 25th June 1228, by Pope Gregory IX.<sup>3</sup>

*Charter of Petrus de Haga, over two oxgates of land in Bemersyd,<sup>4</sup> &c.*

TO all [the children] of Holy Mother [Church] Petrus de Haga greeting: Let it be known to you all that I have given and granted, and by this my charter have confirmed, to God and the Church of the blessed Mary of Driburgh, and to the Canons there serving God, for my own welfare and that of my lords (*dominorum meorum*),

<sup>1</sup> *Lib. de Dry.*, p. 94.

<sup>2</sup> *Ibid.*, pp. 175, 176.

<sup>3</sup> *Ibid.*, pp. 198, 199.

<sup>4</sup> This is the earliest occurrence of the name Bemersyde. In the older documents it is variously spelled Bemersyd, Bemirside, Bymerside, Bimmersyde, &c. As to its derivation, nothing may be advanced beyond conjecture. Mertoun, the name of the parish, is explained as meaning the town on the *mere*, or lake; and this is probably correct, as it agrees with the situation. But the further explanation sometimes given that Bemersyde is therefore simply *By mere side*—*i.e.*, beside the *mere*—cannot be awarded the same credit, as it presupposes the English language to have existed in its present form eight hundred years ago. *Bemersyd*, as the name first occurs about 1215, was probably derived from the name of some former owner—*Bemer's side*, *i.e.*, the *side*=*seat* of Bemer. This supposition may derive some support from the analogous name of Bemerton—*i.e.*, *Bemer's town*—in Wilts. In Old English, *bemere* is “trumpeter,” and as likely to become a name as Tollemache (toll-fellow), Marshall (horse-servant, groom), Spencer (pantry-man, butler), and scores of others.

and for the welfare of my ancestors and successors, and for the soul of ADA, my late wife, and for the souls of my parents and of all the faithful dead, two oxgates<sup>1</sup> of land in my lordship of Bemersyd, to wit, Thirlestanflat, and in Crosserigeflat, nearer the lands of the Canons themselves: To be held of me and my heirs in perpetuity: One messuage in the town (*villa*) of Bemersyd, in my lordship, to wit, the fifth to the East, in the house which was that of my mother GODA of good memory, with yard (*orto*) assigned to it, on such condition that the Abbot and foresaid Canons shall place in that messuage only one man with his own proper family, and that man shall have three cows and twenty sheep in pasture with the men of the same town: I have also granted to the same Canons, of my gift, all that part of the wood which was in litigation between them and me, to wit, Trepewod, as far as the great road which separates the same wood and Flatwod, in free, and pure, and perpetual alms. Witnesses, etc. [Names not given.]<sup>2</sup>

This charter presents many points of considerable interest. As regards the family itself, the only individuals whom the grantor refers to by name are Ada, his late wife, and his mother Goda "of good memory;" and the dwelling of the latter, which he here bestows upon the Church and Monks of Dryburgh, may have been a kind of jointure-house to which his mother had retired after the death of her husband. From the circumstance that it is denominated "the fifth to the east," it would appear that there was at this time a considerable village at Bemersyde, and that the house in question was not greatly distinguishable from the other houses therein. At the most, it may have been one of those small round

<sup>1</sup> One oxgate = thirteen acres; two oxgates = one husbandland; six husbandlands, or 156 acres = one carucate or ploughgate.

<sup>2</sup> For original, see Appendix No. II.

towers, or bastel-houses, common in villages on the Borders at a somewhat later period. In any case, the terms of the charter show that at this time the district of Tweedside was peaceful and prosperous, with a settled air of comfort and happiness very different to the condition of things which prevailed a century later, when the outbreak of war between England and Scotland had plunged the latter country, and especially the Borders, into a state of almost perpetual conflict, devastation, and bloodshed. A pleasing light is also thrown upon the relations of lord and vassal, in that the widow of the dead baron, when she quits the great tower, does not remove to a haughty distance, but, as if conscious of the sense of mutual protection and respect which such neighbourliness engendered, settles down in the midst of those who were long her "kindly tenants," and are now her son's. And now that she also is gone, and the dwelling she occupied is to be transferred to the "religious men" of Dryburgh, the rights of the latter are not to be held as overriding those of their secular neighbours, order being taken that the house shall be tenanted by "only one man, with his own proper family," whose right of pasturage for his cows and sheep shall be in common "with the men of the same town." A fine air of patriarchal domesticity surrounds the picture, with more appearance of order and comfort than we are apt to associate with patriarchal institutions.

In addition, the deed illustrates in some points the constitution of a Scottish baronial village seven hundred years ago. Such villages were then called *villæ*, or towns—the latter name being still applied to farm-

places in Scotland. They were mostly built of wood ; and, with a view to protection, were situated in close proximity to the castle or fortified residence of the lord of the barony. The inhabitants consisted partly of freemen, and partly of the lower class called villeins or bondsmen. The duties of the latter were of the more humble kind, such as tending the large herds of swine that fed on the beech-mast in the woods ; and they were regularly, with their children, bought and sold, either separately as families, or as part and parcel of the estate to which they belonged. The charter of Richard de Morville, already cited, in which the name De Haga first occurs, affords an illustration of this.<sup>1</sup> But there is no evidence that the condition of these *nativi homines*, or serfs, was otherwise an unhappy one, or that their state of thralldom was accompanied by any such harshness of treatment as, from American experiences, we are apt to associate with the idea of slavery. The freemen occupied a much higher position, and consisted mainly of two classes—(1) the cottagers, or villagers proper, who lived together, and had each a small allotment of land ; and (2) the farmers or husbandmen, each of whom possessed a husbandland of twenty-six acres, and whose dwellings were scattered over the estate outside and beyond the village. Upon these two classes the lord of the barony relied for the cultivation of his lands in times of peace, and for the making up of his requisite following of fighting men in times of war.

From the above charter we learn that, in the beginning of the thirteenth century, there was a regular

<sup>1</sup> *Ante*, pp. 29, 30.



township of villagers in Bemersyde, and that each had a cottage and garden, and the right of pasturage for so many cows and sheep. This order of things was at that time common in the district, as is shown by an account of the neighbouring village of Bowden that has fortunately been preserved to us in the Rental-Book of the Abbey of Kelso,<sup>1</sup> to which religious house Bowden then belonged. The Rental-Book referred to is about seventy years later in date than the deed of Petrus de Haga above recited, but may be taken as equally representative of the social economy of the Scottish Borders in the thirteenth century. In Bowden at that period there were thirty-six cottagers, each of whom, besides his house, occupied from one to nine acres of land, their rents varying from one to six shillings yearly, with 'services not exceeding nine days' labour. At Clarilaw, in the same district, there were twenty-one cottagers, having each about three acres of land, with pasture for two cows; and in addition to holding themselves bound to shear all the corn on the Abbey Grange of Newtoun, paid each two bolls of meal to the Abbey yearly by way of rent. Of the higher grade of husbandmen there were twenty-eight in Bowden, each of whom for his husbandland, with pasturage in common, paid a money rent of half a merk, or six shillings and eightpence yearly, with certain other services, such as cutting and carrying peats, and assisting in the work of the harvest. The villages of Bowden and Bemersyde lay within sight of each other on opposite sides of the valley, and we may take it that,

<sup>1</sup> *Liber de Kelso*, ii. 461-63.

as the above charter and Rental-Book show, the state of things in the one village was very similar to that in the other. From the data thus supplied, it may be inferred that there were on the estate of Bemersyde, after allowing for woods and waste lands, as many as fifty husbandmen and ninety cottagers, or one hundred and forty families in all—representing an aggregate population of seven hundred souls.<sup>1</sup> From among these dependants the lord of the barony would be able, when occasion required, to muster an armed following of two hundred or two hundred and fifty men, ready to do battle either for national freedom or feudal superiority.

It is difficult to arrive at any definite conclusion as to the population of Scotland at this time; but as Alexander II. is said to have been able in 1243 to raise an army of a hundred thousand foot and one thousand horse,<sup>2</sup> it may be estimated that the population was not less than a million. There being as yet no large cities, in the modern sense, into which any considerable mass of the population could be absorbed, it follows that the inhabitants were generally to be found scattered in detached groups or communities along the more cultivable valleys and uplands, and around the towers of the various landed proprietors; immense stretches of wild and mountainous territory being left without inhabitants of any kind except beasts of chase. These communities formed the strength of the country; being held together by

<sup>1</sup> Even so late as 1680, when the estate had lost more than a third of its original territory, and when farms had become considerably larger, there were still thirty-eight separate holdings on Bemersyde.

<sup>2</sup> Tytler's *History of Scotland*, chap. i.

the most powerful of all social ties, a common interdependence on their feudal chieftain for the means of livelihood. And as money was not then the important factor in life which it has since become, a great number of people could thus live together in a kind of rude comfort and plenty on a comparatively limited tract of land : their food being derived from the crops grown on their cultivated allotments, and the live-stock that was pastured in common upon the moors and meadows ; while their flocks of sheep were sufficient to supply them with the materials of the coarse and homely clothing which they wore. Some of these communities were naturally more favoured by circumstances and position than others. The vicinity of the lordship of Bemersyde, for instance, to the three great Abbeys of Melrose, Kelso, and Dryburgh, would conduce greatly to the material advantage of those who resided upon it, as the monks were in those days the pioneers of civilisation as well as religion, and the abuses of a later time had not yet become associated with their name.<sup>1</sup> But the War of Independence, which began in the last decade of the thirteenth century with the unfortunate pretensions of Edward to the Scottish crown, fell with most disastrous consequences on such village communities as the above, and put back the dial-hand of civilisation in Scotland at least three hundred years.

As to how and when the Haigs became originally

<sup>1</sup> "In monasteries, the lamp of knowledge continued to burn, however dimly. In them, men of business were formed for the State ; the art of writing was cultivated by the monks ; and they were the only proficient in mechanics, gardening, and architecture."—Hailes's *Annals of Scotland*, i. 115.

possessed of their lands of Bemersyde, and from whom they held them, no information of a definite character is obtainable. Chalmers says the progenitors of the Haigs held the lands of Bemersyde under the De Morvilles, and under their successors the lords of Galloway; that the De Morvilles, in addition to their Lauderdale possessions, "enjoyed some rich lands on the northern bank of the Tweed, including Bemersyde, Dryburgh, Mertoun," etc.; and cites, in proof of these statements, the Dryburgh Cartulary in general, and certain charters in that of Kelso in particular.<sup>1</sup> But what is here alleged cannot be substantiated. The Kelso charters specified by Chalmers contain no reference either to the De Morvilles, the Galloways, or the Haigs, and there is nothing in the Dryburgh Cartulary to support his statement. On the other hand, an examination of the latter collection of deeds tends to an opposite conclusion. There is not the slightest ground for believing that the De Morvilles ever possessed a foot of land in the Merse, their lands in Lauderdale only coming down to within a few miles of Earlstoun. Evidence of a negative kind to the same effect is afforded by the circumstance that, when Beatrice, wife of Hugo de Morville, made a grant of land to the monks of Dryburgh, convenient to the Abbey, she purchased a piece of ground for the purpose on the south, or opposite, bank of the Tweed.<sup>2</sup> We could not suppose her doing so if her husband possessed the extensive lands enumerated by Chalmers on the north bank of the river, and adjoining Dryburgh itself. These erroneous statements on the part of

<sup>1</sup> *Caledonia*, i. 505; ii. 224.

<sup>2</sup> *Liber de Dryburgh*, p. 68.

so diligent an investigator, can only be accounted for on the grounds advanced apologetically in his behalf by Cosmo Innes,<sup>1</sup> that "none of the Cartularies were printed when Chalmers was engaged on his *Caledonia*, and the imperfect copies of the manuscripts he procured often misled him."<sup>2</sup>

The further statement of Chalmers that the Haigs were vassals of the De Morvilles, and came to Scotland in their train, is equally unsubstantiated. On the subject of vassalship, that generally shrewd historian seems to have entertained a somewhat singular opinion, in so far as he interprets the mere act of a lesser baron witnessing a deed emanating from a greater baron, as implying that the former was the vassal of the latter. A more accurate knowledge of the various Cartularies would have dispelled such a notion; for if it were true, we might find that the Haigs were vassals to half the overlords on the Borders.

The statement made by Mylne and Ruddiman,<sup>3</sup>

<sup>1</sup> *Sketches in Early Scotch History*, p. 25.

<sup>2</sup> Opinion among historians was at one time divided as to whether David I. or Hugo de Morville was the founder of Dryburgh Abbey, although, with the existing means of reference to the original Cartularies, this difference possibly does not now prevail to any extent. David I., in his foundation charter (printed in the *Liber de Dryburgh*), distinctly says that he founded the Church of Dryburgh (*quam fundavi*); and the only evidence of any value against this is a statement in the *Chronica de Mailros*, in which Hugo de Morville is called the "founder of the Church of Dryburgh." But this record by a private cleric, possibly actuated in the use of a little flattery by the hope of further benefactions from the De Morville family, cannot weigh against the distinct testimony of the foundation-charter, to which Hugo himself adhibits his name as a witness. The remarks above made as to the De Morvilles having no lands in the Merse on which to found the Abbey, further support the testimony of the foundation-charter. It is unfortunate that, from the unquestioning zeal of David Earl of Buchan, the beautiful ruins of Dryburgh Abbey should be plastered over with inscriptions which perpetuate the popular error that Hugo de Morville was its founder.

<sup>3</sup> *Ante*, p. 26.

that the Haigs received their lands from Cospatric Earl of March, is one which, did it not seem to be a pure conjecture, would better agree with known facts than the suggestions of Chalmers ; as the Earls of March were beyond doubt the chief proprietors at that time of the lands in the Merse. The expression, "*dominorum meorum*," in the charter of the second Petrus de Haga, above printed, might be read as indicating that the Haigs held their lands of one or other of the higher barons of the district. On the other hand, had they held of the Earls of March, it might be expected they would now and again have appeared in the friendly relation of witnesses to the charters of these barons ; which, however, in no case happens. Upon the whole, it is quite as probable as any other theory, that the Haigs received and held their lands directly from the King. In the earliest mention in their written charters of the source whence they held their lands—though this does not occur till two centuries later—it is "in ward of the Crown:" that is, for certain military services to be rendered to the sovereign for the same. Again, it is in favour of this view, that David I., when about 1150 he brought a colony of Premonstratensian Monks from Alnwick, should have planted them at Dryburgh, on a nook of ground which might topographically be supposed to have formed part of the territory which about the same time was granted to the Haigs. But all this is more or less conjectural, and must be taken as such. The chief probabilities established are, that the Haigs did not, as alleged by Chalmers, receive their lands from the De Morvilles, and that there is no good reason for believing that

they did not receive and hold them as a direct grant from the Crown itself. Beyond this, nothing can be definitely affirmed.

The same uncertainty that prevails as to the particular circumstances under which the Haigs came into the occupation of their lands, exists also as to when and how they first became possessed of another ancient privilege of theirs—namely, their right of burial in Dryburgh Abbey, the most picturesque ecclesiastical ruin in the South of Scotland. This privilege, it is said, was granted to them in return for certain benefactions which at an early date they conferred upon the Church of Dryburgh. Douglas states that their burying-place was given to the Haigs in the time of Petrus, the second of the name, and characterises it as a privilege bestowed upon “none but those who had been considerable donors to the religious”—quaintly adding that “the same is enjoyed by his posterity to this day.”<sup>1</sup> Mylne says: “The family of Bemersyde have always had for burial-place an aisle under the high altar in the Abbey of Dryburgh, with their name and arms thereon, which denotes them to be as ancient as that abbey, and it is very probable Petrus de Haga (I.) was concerned in the building thereof.”<sup>2</sup> It may be mentioned also, that the traditions of the district still preserve a memory of some such grant as that here referred to; there being a particular field in the vicinity of the Abbey which the inhabitants yet point to as representing the price paid by the early Haigs for their burying-place in the church. No mention is made of any such bargain in the existing charters; but it

<sup>1</sup> *Baronage*, p. 133.

<sup>2</sup> *Mylne MS.*

is not at all improbable that the first De Haga, at, or shortly after, the foundation of the Church of Dryburgh, bestowed upon it such benefactions as entitled those in Roman Catholic times who assisted in the foundation of a church to a burying-place near the altar, although the record of these grants may have been lost along with the other early charters of that religious house.<sup>1</sup> This is rendered still more likely by the circumstance that the first representative of the family appears, from the number of deeds which he witnesses, to have been on close terms of intimacy with the De Morvilles, who, as is well known, were among the chief benefactors of this Abbey at the time of its foundation.

The burying-place referred to occupies the north-west angle of St Mary's Aisle. This aisle formed the north transept of the ancient church, and is still, even in its state of roofless decay, a beautiful specimen of the lighter Gothic. It rises on a series of pointed arches, with groined vaulting, supported by clustered columns of great elegance; and is internally divided into three portions, which probably served as private chapels in the days of the old ceremonial. One of these three divisions—that which belonged to the now extinct family of Haliburton of Newmains—has been rendered of world-wide fame and interest by containing within it the dust of their great descendant, Sir Walter

<sup>1</sup> The Register of the Premonstratensian Abbey of Dryburgh, elsewhere cited by its short title of *Liber de Dryburgh*, is an imperfect collection of charters. It begins with Charter No. 6, and ends abruptly in the middle of Charter No. 316. In addition to these defects, it is to be regretted that in the greater number of the charters and instruments which it contains, the names of the witnesses have been entirely omitted by the copyist.—See *Preface to Liber de Dryburgh*.



Scott. The second is the burying-place of the Erskines of Shielfield, probably held in succession to the old Erskines of Mar, the first secular lords of the Abbey after the Reformation. The third is that which belongs to the family of Haig of Bemersyde, and is the only one of the three which, in the course



ST MARY'S AISLE, DRYBURGH ABBEY.<sup>1</sup>

of these seven centuries since the foundation of the church, has not undergone many mutations both in respect of ownership and name. Mylne states that the arms of the family are upon the burying-place; but this is not so, there being only a plain slab let

<sup>1</sup> Within the arch on the extreme left (as indicated by the open gate) is the burial aisle of the Bemersyde family, which extends also to the further portion of ground to the left, railed in. The arch in the extreme distance on the right is the entrance to the burial-place of Sir Walter Scott; while the central aisle, with two archways, is that of the Erskines of Shielfield.

into one of the side walls, bearing the inscription :  
LOCVS SEPVLTVRÆ ANTIQVISSIMÆ FAMILIÆ DE HAGA  
DE BEMERSIDE — “The place of burial of the most  
ancient family of Haig of Bemersyde.”

Some large flagstones lie on the floor of the aisle, but are entirely devoid of name, or date, or lettering of any kind, there being nothing to indicate to the stranger that the dust of more than twenty generations of the Haigs is here interred. This is a singular feature in a district where the walls of such places are in general richly adorned with the armorial insignia of the various proud and noble families connected with them. Why was this? It could not be that the race of De Haga were careless of their name and descent : we know this was not so. Rather, may it not have been because they *were* of the race of De Haga, and hence despised the crumbling heraldry of sculptured stone?—a peculiar pride, like that of the old De Couci of France, whose boast it was that he was neither king nor prince, duke nor earl, but the Sire (*Scotticé*, the Laird) of Couci. Be this as it may, the burying-place of the Haigs of Bemersyde is destitute alike of storied urn and animated bust, having monument only in the sacred fabric, as old as themselves, that overshadows it.

To return to the personal history of the representative of the family presently under notice—Petrus, second of the name—we have little to add except what pertains to his two sons. Henry, the eldest, succeeded him; while the second, Cospatric, is a somewhat doubtful personage. We are told that “for his valour he was pitched on by King William the Lion to command an army sent by him over to

the aid of Philip II., King of France, against King Henry of England, Nov. 1187, where, behaving himself to the admiration of the French King, he was by him advanced to great preferment." <sup>1</sup> But the chronology of the incident does not fit in with the place in the genealogy assigned to this Cospatric. Had he been represented as the son of the first Petrus, the dates would have coincided more plausibly. As it is, this hero may be dismissed as among the apocryphal members of the family.

Of Henry, the eldest son, little is known except that he is witness, as *Henricus de la Hage*, to a charter (c. 1230) of Alan Fitz-Roland, Constable of Scotland, in which the latter grants to the Monks of Melrose his waste land (*vastum*) of Lammermoor in exchange for certain lands given by them, called Keresban, with power to build fences to protect cultivation.<sup>2</sup> His wife's name is mentioned as Adeliza, daughter of Sir Anchitello de Riddell,<sup>3</sup> by whom he had one son, Petrus, his successor. He is said by the same authority to have been "killed in an expedition made by William the Lion against Harold, the rebellious Earl of Caithness," in 1196; but this is manifestly erroneous.

III. HEN-  
RICUS DE  
HAGA, A.D.  
1228-40.

<sup>1</sup> *Mylne MS.*, quoting the "French Chronicles" as his authority.

<sup>2</sup> *Liber de Melros*, i. 202, 203.

<sup>3</sup> *Mylne MS.*

## CHAPTER IV.

1240-1414.

**The Civil and Religious Reforms of David I.—Planting of Religious houses in South of Scotland—IV. PETRUS DE HAGA, 1240-80 : grants his Forest of Flatwood to Dryburgh Abbey—Charter of half a stone of wax to Old Melrose—Witnessed by Thomas Rymour of Ercildune—Question as to date of Charter and Thomas the Rhymer's connection therewith—V. JOHANNES DE HAGA, 1280-1326 : confirms grant of Flatwood—Swears fealty to Edward I., 1296—Joins Sir William Wallace—Thomas the Rhymer's prediction concerning family—Traditional account of the prediction—Its various forms—Origin of the family motto—The family Arms—Grant of land at Bemersyde to Melrose Abbey—VI. PETRUS DE HAGA, 1326-33 : killed at battle of Halidon Hill—VII. HENRICUS DE HAGA, 1333-68—VIII. JOHANNES DE HAGA, 1368-88 : killed at battle of Otterbourne—IX. Sir ANDREW HAIG, 1388-1414 : knighted by Robert III.**

THE first appearance of the Haigs in Scotland is coincident with one of the most important and interesting epochs in our national annals. David I. at an early period in his reign chose Roxburgh Castle, on the Borders, as his favourite residence—a choice significant of the peace and security which then prevailed; and this place was thenceforward the centre of those operations to which he devoted himself for the civil and religious improvement of his people. At that time the chief representative of

civilisation and culture was the Church; and conscious of this, the King encouraged the settlement in Scotland of colonies of those Monastic Orders that carried with them, not only the knowledge of religion, but the practice of those arts of life which tended to soften the manners of the people, and to elevate the standard of their everyday existence. In the first place, he established and endowed the Church of the Austin Canons at Jedburgh; and shortly thereafter transferred from Selkirk to Kelso that colony of Tironensian Monks which he had originally brought over from France. The Church of Old Melrose, established under Aidan five hundred years before, had become, through the evil fortunes of the times, ruinous, and all but desolate; David, therefore, resolved to restore it, and with this view chose a more advantageous site a few miles higher up the Tweed, and there founded and endowed the Abbey of Melrose, which, for centuries afterwards, was the richest and most splendid religious establishment in the kingdom. To give the requisite vigour to this new foundation, he brought to it a fresh colony of Cistercian Monks from Rievaulx in Yorkshire; leaving the ancient fane of Old Melrose, and its now effete brotherhood, gradually to disappear under the wasting influences of time, and the all-absorbing competition of its younger and richer rival. Later still, he took possession of the beautiful peninsula of Dryburgh, washed by the waters of the silver Tweed, and bringing thither a band of Premonstratensian or White Canons from the Abbey of Alnwick, planted them there, to spread around them that knowledge of the more useful arts of life for

which this humble and industrious brotherhood were long distinguished. At first they were comparatively poor, maintaining themselves in part by their own industry, dividing their time between their household offices, the cultivation of their fields, reading and transcribing books, and the exercises of religion.<sup>1</sup> And a pleasant sight it must have been, this pristine colony of peaceful workers in the midst of a rough and warlike people: the whirr of their mill by the river-side alternating with the stroke of their hatchets in the woods above: the bloom of their orchards scenting the air in spring-time, and their fields waving yellow with golden grain in autumn. Reference has been made to the apparent order and comfort of the cottagers and husbandmen of Bemersyde, as we get a glimpse of them between the lines of that quaint old charter of the Haigs; and the picture thus exhibited must have been due in no small degree to the civilising influences that emanated from the little brotherhood of monks who were their near neighbours in the vale below. Moreover, the vicinity of Bemersyde to this religious house, and the sister houses of Melrose and Kelso, has been fruitful of results of another kind: for it is to the close connection of the family with these several institutions that we owe the greater part of what is to be learned of its early history.

This is especially true of Petrus de Haga, the fourth representative of the house of Bemersyde, to whom a more than ordinary degree of interest attaches; as it is round his name the controversy has gathered

IV. PETRUS  
DE HAGA,  
c. 1240-80.

<sup>1</sup> *Liber de Dryburgh*, pp. vi, vii.

respecting the existence of that mystic mediæval prophet, Thomas of Ercildoune, better known as Thomas the Rhymer, and whose attributed connection with the Bemersyde family is popularly supposed to have exercised so potent an influence upon its fortunes.

The name of this De Haga is first introduced to us in connection with the murder of the Earl of Athole at Haddington by the Bissets in 1242. Mylne says that this Petrus, "being a great man in the South, and having many friends and followers," was, in conjunction with Sir Alexander Davenant, the Great Justiciar of Scotland, ordered to go in quest of Lord Aboyne, the chief of the Bissets, whom they "pursued with such eagerness that they cut off the most of his followers, and himself with great difficulty escaped in a boat to Ireland, so [that] the great name of Bisset was almost exterminat." } There is much discrepancy among the genealogists as to the marriage connections of this Petrus, who it is alleged by some was twice married, and had two sons and three daughters. He was certainly once married, and had at least one son, as we gather from his charters, his wife's name being Katherine, elsewhere described with questionable precision as "the daughter of Sir William de Bello Campo, otherwise Beauchamp."<sup>2</sup>

The first charter issued in his name, probably of date 1240-45,<sup>3</sup> conveys in gift to the Abbey of Dryburgh his Forest of Flatwood, referred

<sup>1</sup> *Mylne MS.*

<sup>2</sup> *Ibid.* ; Douglas's *Baronage*, p. 134.

<sup>3</sup> In the *Liber de Dryburgh*, this charter is printed along with that of Petrus de Haga (II.) already given, the editors assigning to both of them the date of 1220. This mistake evidently arises from the respective grantors being taken as one and the same person.

to by name in the charter of his father, already given.

*Charter of Petrus de Haga over the Wood of Flatwode.*

**T**O all [who see or hear] this writing, Petrus de Haga, lord of Bemersyd, greeting in the Lord: Know ye that I, by an instinct of divine piety, and for the welfare of my own soul, and that of KATERINE, my spouse, and for the souls of all my ancestors and successors, have given, granted, and by this present charter have confirmed, to God and the Church of St Mary of Driburgh, and Canons there serving and for ever to serve God, all that part of my wood of Flatwod, which begins at the stone cross placed at the head of said wood, descending by the way which is called Horsmangate, as far as Munkeford of Twede, and from Munkeford ascending near the ditch adjoining the land of Driburgh as far as the great road between Flatwod and Trepewod, and so [by] that whole way as far as the head of Horsmangate.<sup>1</sup> And this my forenamed donation I have given and granted to the said Abbot and Convent, for me and my heirs, in free, pure, and perpetual alms, with free ish and entry through my whole land with their carriages and matters, lands sown and meadows unploughed being excepted: Wherefore I will and grant for me and my heirs that the said Religious shall hold and possess for ever the said portion of wood, as freely and quietly as any religious men in the kingdom of Scotland do freely and quietly hold and possess, or can hold or possess, any alms: I truly and my heirs shall warrant, and from all

<sup>1</sup> Flatwood and Threepwood, which both seem to have lain adjacent to the Abbey lands of Dryburgh, are names not now identified with the places described. The Horsmangate is also a lost name; not so, however, with Monksford, which still exists. The site of "the stone cross at the head of the wood" may perhaps be identified with that of a wayside cross, the socket-stone of which is still to be seen at the top of the Redbraes, about half-a-mile north-east of the Abbey. In all probability the woods above mentioned clothed the steep declivities stretching up from the haughland on the north bank of the Tweed, between Dryburgh and Monksford, and may have consisted chiefly of oaks, if we are to accept the definition generally given of Dryburgh, as from the Celtic *Darach-bruach*, "the bank of the grove of oaks."



secular exaction, custom, and demand, acquit and for ever defend these my forenamed donations to the said religious men, against all men and women. In witness of which thing I have attached my seal to the present writing. Witnesses, etc. [Names not given].<sup>1</sup>

This charter, which is confirmed by John, son of the grantor, about 1285, though of some value to the local archæologist, presents fewer points of general interest than the charter of the second Petrus. That charter contained a gift of Threepwood as far as the "great road" between it and Flatwood; the present extends the gift to Flatwood also, as far as the road to Monksford, which is more than a mile west of the Abbey. Coming, therefore, after such considerable grants as those described in the two charters recited, the next deed, the *Rhymer Charter*—that in which the name of Thomas Rymour of Ercildoune appears among the witnesses—is a somewhat extraordinary document.

*Charter of Petrus de Haga of half a stone of Wax.*

TO all who this writing shall see or hear, Petrus de Haga, lord of Bemersyde, sends greeting in the Lord: Know all men, that forasmuch as I had agreed with the religious men, the Abbot and Convent of Melros, that for certain transgressions committed against them by me and mine, I and my heirs would pay to the same every year ten salmon, to wit, five fresh and five old,<sup>2</sup> for ever. At length the said religious men, moved by piety, considered this to tend to the disinheritation of me and my heirs; on the mediation of good men, my son and heir John consenting and conceding thereunto, I have agreed with the said Abbot and Convent on this wise, to wit, that I and my heirs are held, and by the present writing for ever

<sup>1</sup> For original, see Appendix, No. III.

<sup>2</sup> Or preserved.



Omnes hoc scriptum visuris vel audientibus per vos de  
domino conventum cum vris religiosi abbe et conventu  
singulis annis ego et heredes mei decem salmoneos. quibus  
religiosi prelati ducti penderunt hoc esse in hereditate  
re Johanne filio. et heredes mei cum deo abbe et conventu et  
obligam. ipis abbe et conventu solvere singulis annis  
capitulis. die bi eucharistia. in quinquagesima. ad  
luminare de capelle. quibus in solucione de epe qui  
Subiacendo me et heredes meos supradictam. et potest  
suis ecclesiasticam quatenus possit compellere ad  
cur. Remittendo patre et heredes meos in hereditate  
omnis. infra restitucio in meorum. et omnis  
et conventu. obesse. quo nra solucio fieri debet de  
re testimonium pater. scripto sigilli meum. Ena et  
Olivero. abbe. de Oribus. Dno. Wille de Burudum.  
Willelmus et Thom. de Oribus. et alii.

fid. salutem in dno. **F**ouertis vniuers. qd cum  
in transgressionibus essem p me & meos illas. qd esse  
quinqz decies in ppetuum soluere. Tandem qd  
ego. medietate dñi & omni consensu. & conceden  
t ego & heredes mei tenem. & psona scripto in ppetuum  
bone & pacifice ad capellam sã Eucharisti. de se  
cond t'gma dendi. singulis mensibus soluendo. ad  
qz fuerit cessatum post diem & diuini memorat.  
ut qui ptempit. ut me & heredes meos p an  
que t'gma dendi p'p'ia. una cum pena si committ  
m. & p'p'iam. & omnia uniuersalia. Animo. &  
dñi meo p'p'ie p'p'io in hoc fide dñi albi  
ar p'p'ia. una cu pena si committatur. In anno  
de albis de Oribus est appensum. Testes dñi  
p'p'ia. tunc vicecom de Bobisbur. Willmo de



bound to the said Abbot and Convent, to pay every year half a stone of wax, good and saleable, to the Chapel of St Cuthbert of Old Melros, on the Day of blessed St Cuthbert,<sup>1</sup> in Lent, or thirty pennies, under pain of paying to the lamp of the said Chapel thirty pennies for every month during which any cessation shall have occurred in the payment of the said wax or of the thirty pennies aforesaid, after the day and term mentioned: Subjecting myself and my heirs to the jurisdiction and authority of the Lord Bishop of St Andrews for the time being, that he may be able to compel me and my heirs, by any ecclesiastical censure whatever, to the payment of the said wax, or of the thirty pennies aforesaid, together with the penalty if it be incurred: Renouncing for me and my heirs, in this cause, all action, defence, and exception, and all help of canon and of civil law, benefit of restitution *in integrum*, and all other things which may or shall benefit me and my heir in this cause, and prejudice the said Abbot and Convent, in invalidating the payment of the said wax or of the thirty pennies aforesaid, along with the penalty if it be incurred. In witness whereof to the present writing, my seal, together with the seal of Lord Oliver, the Abbot of Driburg, has been appended. Witnesses—Lord Oliver, Abbot of Driburg, Sir William de Burudun, knight,<sup>2</sup> Hugo de Perisbi, then Sheriff of Rokisburg, William de Hatteleye, Thomas Rimor of Ercildun, and others.<sup>3</sup>

This deed presents some points of rather puzzling and peculiar interest. The amount of law-like phraseology which is expended in securing to the now moribund Convent of Old Melrose their half-stone of wax, is at first sight almost grotesque; while the averment on which the deed is based, that the payment of ten salmon annually by one who has just

<sup>1</sup> 20th March.

<sup>2</sup> Tytler thinks this Sir William de Burudun may be the same as the Sir William de Burroudoun who was at the battle of Methven in 1306.—*History of Scotland*, chap. iii.

<sup>3</sup> For original, see Appendix No. IV., and facsimile of charter.

given to the Abbey of Dryburgh hundreds of acres of woodland in addition to other valuable gifts, is ruinous to him, and might lead to the disinheritance of him and his heirs, seems on ordinary grounds inexplicable. The editor of the *Liber de Melros* (Cosmo Innes), in referring to the charter, makes no attempt to explain it—simply speaks of it as a “curious deed.”<sup>1</sup> Jeffrey, in his *History of Roxburghshire*, hazards an explanation. He says: “This deed is instructive as to the number of salmon in the river. They must have been scarce indeed when a penalty of ten salmon a-year was considered ruinous to a great landed proprietor, whose estate was in part bounded by the river.”<sup>2</sup> But this does not really touch the difficulty. A proprietor who could afford to make such grants as we have referred to, could not have been put to so great inconvenience as the deed describes, by the mere rarity of the fish in question. Besides, the small payment of thirty pence, or half a stone of wax, into which the penalty was commuted, would indicate that it was not the scarcity and consequent high price of salmon that threatened this ruin to the house of Bemersyde, otherwise we may be sure the Convent would have exacted a higher money equivalent. We are disposed to explain the matter on other grounds—namely, that the fishings in that part of the river which bounded Bemersyde were at this time vested in one or other of the great overlords of the district with whom the Haigs may have been at feud, in which case the attempt by him or his servants to take salmon from the river would be made

<sup>1</sup> Vol. i. pp. xxi, xxii.<sup>2</sup> Vol. iv. p. 91.

the occasion of so much contention, and perhaps bloodshed, that to continue the practice might expose their lives and property not only to perpetual danger of attack, but even to ultimate destruction. The very insignificance, too, of the penalty, which at the time of its original infliction might not have been attended with such dangerous possibilities, rendered the continuance of so great a risk preposterous; hence this, on the "mediation of good men," having been represented to the Abbot and Convent, they agree to commute the penalty into one of a more accessible and reasonable nature. Such an explanation seems more plausible than the mere supposition that so many as ten salmon could not be got in the course of a whole year out of three or four miles of the river Tweed.

But a question of higher moment has gathered round this charter, from the circumstance that in the list of witnesses appended thereto appears the name of Thomas Rymour of Ercildoune, otherwise known as Thomas the Rhymer, or True Thomas. He is traditionally said to have had his residence at Ercildoune, now Earlstoun, in Berwickshire, a few miles north of Bemersyde; and a ruined edifice that stands at the entrance to Earlstoun on the west is still known as the Rhymer's Tower. He is principally noted in history as having predicted the death of Alexander III. According to the old chronicles, he is said to have been asked one day by the Earl of March as to the weather that was to be on the morrow, when he replied that "before noon there should blow the greatest wind that ever was heard before in Scotland." Next



day, the sky being calm and clear, the Earl sent for the Prophet and reproved him for having prognosticated a tempest of which there was no appearance. Thomas replied, "It is not noon yet;" and immediately thereafter a messenger arrived at the gate with the tidings of the king's death, he having fallen over the rocks on the Fife coast the previous evening and been killed. "This," said the Prophet, "is the wind that shall blow to the great calamity and trouble of all Scotland." This Thomas, says the Chronicler, was a man of great wonder to the people, and showed sundry things ere they befell. "Howbeit," he adds, "his prognostications were aye hid under obscure words."<sup>1</sup>

As the above deed, apart from one dated 1294, and generally supposed to have been granted by the Rhymer's son, is the only instance in which Thomas's name is mentioned in a document whose authenticity is unquestionable, it has therefore come to be considered the key, as it were, to the mystery that would otherwise have shrouded the actual life of the Prophet from historic ken. According to the chronicles above referred to, he is represented as being alive in 1286, when he prophesied the death of Alexander; hence it became of interest to ascertain how far his appearance as a witness to the above charter corresponded with this occurrence, or with his being, according to Blind Harry, still alive in 1296. Unfortunately, the charter of Petrus de Haga, as is the case with most of the charters of that time, is undated, and the consequent endeavour

<sup>1</sup> Bellenden's *Berce*.

to give an approximate date to the deed has been the subject of considerable discussion. Sir Walter Scott has entered very fully into the question, and arrived at the conclusion that the date of the charter might be about 1239.<sup>1</sup> Dr J. A. H. Murray, the latest writer of authority on the subject, in his edition of Thomas of Ercildoune's attributed writings, is disposed, by a process of reasoning similar to that of Scott, to assign the deed to somewhere between 1230 and 1240.<sup>2</sup> But both of these writers, in considering the question, had a difficulty to contend with which the facts given in the present work may obviate. They were cognisant of the existence of only one Petrus de Haga—he who was known to have witnessed a charter of Richard de Morville between 1162 and 1189; it therefore became necessary to connect the De Haga of this period with the Thomas of Ercildoune believed to have been alive in 1286 or 1296. In order that these two lives should bridge over the long intermediate period of time, the charter of De Morville was assigned the latest possible, and that of De Haga the earliest possible, date. "Supposing," says Scott, "the charter dated in the last year of Morville's constabulary, *i.e.*, 1189, De Haga must then probably have been twenty years old, in order to be a witness. If we suppose De Haga attained the age of seventy, and that the charter, to which the Rhymer was a witness, was granted in the last year of his life, its date must be 1239." In this way, by postu-

<sup>1</sup> *Sir Tristrem* (Poetical Works, vol. v.), pp. xiv-xvi, and "Introduction" *passim*.

<sup>2</sup> *Romance and Prophecies of Thomas of Ercildoune*, pp. ix-xii.

lating extreme age for De Haga and extreme youth for the Rhymer at the time the charter was signed, Scott sought to overcome the chronological difficulties in which he found himself involved. The facts, however, which are here ascertained—namely, that there were three of the earlier De Hagas who bore the Christian name of Petrus, and that the third of them, who grants the deed in question, belongs to the period between 1240 and 1280—at once remove the difficulty in question.

But apart from this, there seems no reason why the date of the deed should not upon ordinary considerations have been approximately ascertained. One of the witnesses is Oliver, Abbot of Dryburgh, whose name is first mentioned in a charter of confirmation about the year 1260.<sup>1</sup> Again, on 6th December 1262, he was witness, along with “Robertus de Hateley,” and others, to a charter of William de Alwentun to the Monks of Melrose;<sup>2</sup> and seven days later he and the Abbot of Kelso are witnesses in a grant to the same Monks of the fishings of Makerstoun.<sup>3</sup> He was still Abbot in 1268.<sup>4</sup> The name of another of the witnesses to this disputed charter—“William de Hatteley”—likewise occurs in a deed of the same period, in which he is described as son and heir of “Dns. Robertus de Hateley”—probably the same Robert who is a witness along with Abbot Oliver, as above cited, in 1262.<sup>5</sup> From these facts, therefore, the date of the deed of Petrus de Haga, in which Thomas Rymour of Ercildoune

<sup>1</sup> *Liber de Kelso*, p. 22.

<sup>2</sup> *Ibid.*, p. 301; *Liber de Kelso*, p. xiii.

<sup>3</sup> *Liber de Kelso*, p. 104.

<sup>4</sup> *Liber de Melros*, i. 294.

<sup>5</sup> *Chron. Mail.*, p. 215.

appears as a witness, may be reasonably assigned to somewhere between 1260 and 1270. This may so far militate against some of Scott's conclusions as to the date of the Rhymer's birth and the authorship of certain of his attributed writings; still, whatever the deductions that fall to be made therefrom, it is important, in a matter of so much interest to the literary archæologist, to be able to ascertain, as nearly as possible, the actual facts.<sup>1</sup>

Besides John, his heir and successor, this Petrus de Haga is said to have had a second son, named Anchitello, who is spoken of as having set Alexander III. at liberty "when he was imprisoned in the Castle of Stirling by the Comyns and others," and also as having distinguished himself at the battle of Largs in 1263.<sup>2</sup> By the same authorities

<sup>1</sup> Connected with this deed, which is the only recorded benefaction of the Haigs to Old Melrose, may be narrated an incident of a romantic kind which tradition has preserved of the Old Abbey. While book, bell, and candle were still all-powerful in and around that ancient Convent, a monk, it is said, formed an intimacy with one of the ladies of Bemersyde which was inconsistent with his vows as a celibate and his marriage to the Church. The matter coming to the ears of his spiritual superiors, the lady mysteriously disappeared, and the monk was condemned, in penance for his fault, to bathe every day, all the year round, in a pool in the Tweed below the promontory on which the Abbey stood, still known as the Haly Wheel (that is, Holy Pool, from *wiel*, whirl or eddy). This penance he religiously observed, even when in winter he had to break the ice for the purpose, keeping silence all the while as to the cause of his extraordinary punishment. But after his death, a fearful significance was given to these mysterious ablutions: for it is said that at midnight, when the moon looks fitfully through driving storm-rack, and the torrents descend from the hills, and the swollen Tweed chafes angrily between his banks, the white figure of a lady is seen to emerge with a wild shriek from the waters of the Holy Pool, which then divide, one huge wave going towards Old Melrose, and another towards Bemersyde, between which, with a second piercing cry, the unhappy lady descends, and passes out of sight.

This legend is possibly founded on a passage in the life of Drythelm, a visionary monk who resided at Old Melrose, and who was so rigid in his asceticism that he bathed every day in the Tweed, without undressing, or afterwards changing his garments, even in the depth of winter.

<sup>2</sup> *Mylne* and *Rud. MSS.*

he is said to have married a daughter of William de Home, first of the surname.<sup>1</sup>

It was in the lifetime of his successor, Johannes de Haga, the fifth representative of the family, that the connection of Thomas of Ercildoune with the house of Bemersyde is averred to have culminated in the prediction with which he is credited by long tradition. This John lived during the latter portion of the reign of Alexander III., and throughout the stormy period of the War of Independence, on to the settlement of the kingdom under Bruce. Shortly after his accession to the family inheritance, he signifies his desire to continue on friendly terms with his neighbours of Dryburgh, by confirming, about 1285, to the Abbey and Convent of that place, his father's grant of the Forest of Flatwood.

*Charter of Confirmation of Johannes de Haga.*

TO all [who shall see or hear] this writing, Johannes de Haga, son and heir of Petrus de Haga, lord of Bemersyd, greeting. Know ye that by an impulse of divine piety, and for the welfare of my own soul, and for the souls of all my ancestors and successors, I have of my mere and spontaneous will granted, and by the present writing confirmed, to God and the Church of the blessed Mary of Dryburgh, and to the Canons there serving and for ever [to serve] God, the donation of Petrus de Haga, my father, over that portion of the wood of Flatwood which begins at the stone cross, etc. (as in former charter). In witness of which thing I have attached my seal to the present writing. Witnesses, etc. [Names not given.]<sup>2</sup>

<sup>1</sup> Mylne makes this Anchitello the eldest son of Petrus (IV.), and father of John (V.) But this is clearly erroneous, as the above charter testifies.

<sup>2</sup> For original, see Appendix, No. V.

From the circumstance that the grantor of the above charter makes no mention of his wife among those for whose spiritual welfare it is granted, it may be assumed that it was issued at a comparatively early period in his career, and while he was as yet unmarried. His wife's name is elsewhere given as Ermegard, daughter of Sir Adam de Gordon, of the Merse.<sup>1</sup>

But the peace and prosperity which we have hitherto seen prevailing among the Border communities was destined shortly to suffer a bitter and prolonged interruption. The year after the date assigned to the above charter, the horse of King Alexander stumbled one dark night with its rider over the rocks between Burntisland and Kinghorn, thus ending his life, and bringing to a most unwished-for period his distinguished and happy reign. His death was lamented as that of not many kings have been; and a stanza of an elegiac song—the oldest in the language—is still preserved in memory of the nation's grief.

Quhen Alysandyr, oure kinge, wes dede,  
 That Scotland led in love and le,<sup>2</sup>  
 Away wes sons<sup>3</sup> of ale and brede,  
 Of wyne and wax, of gamyn and gle;  
 Oure gold wes changyd into lede—  
 Christ, born into virginitè,  
 Succour Scotland, and remede  
 That stad<sup>4</sup> in its perplexitè.<sup>5</sup>

His son, Prince Alexander, had predeceased him; and his granddaughter, Margaret of Norway, shortly

<sup>1</sup> *Mylne MS.*

<sup>2</sup> Tranquillity.

<sup>3</sup> Abundance—a word still preserved in the Scotch *sonsy*.

<sup>4</sup> State.

<sup>5</sup> Winton, i. 401.

after his own death, and while on her way to take possession of the Scottish throne, sickened and died at the Orkneys. Then followed the bitter competition among the higher nobility for the throne thus unfortunately left without an occupant, which gave occasion for the ambitious Edward of England's seeking to annex the territory of Scotland to the dominions of the English crown.

With the political complications of that unhappy period, we find the fifth representative of the Haigs associated. In the list of the Scots barons and others who swore fealty to Edward at Berwick in 1296, is the name of "*Johan del Hage, del comte de Berwyk*."<sup>1</sup> In the same list we have the names of William Abbot of Dryburgh, John Abbot of Jedderworth (Jedburgh), Patrick Abbot of Meuros (Melrose), and Richard Abbot of Kelso, besides numerous others, barons and nobles, belonging to the district. But Haig of Bemersyde, like most other Scotsmen of the period, did not hold himself under any moral obligation to implement an oath that had been extracted by force, as this professedly was; and hence, shortly afterwards, says Mylne, "finding opportunity to break the same, he heartily joined that valiant knight, Sir William Wallace of Elderslie, who had taken up arms against the English in defence of his country, and was with him at the battle of Stirling in 1297." "The certainty of his joining him," it is added, "is kept up in the following old monkish lines, which were made upon him:

When Wallace came to Gladswood Cross,  
Haig of Bemersyde met him with many good horse."<sup>2</sup>

<sup>1</sup> Prynn's *Records*, iii. 655.

<sup>2</sup> *Mylne MS.*; also *O.H. MS.*



But the chief interest which gathers round the name of this De Haga is due to what is affirmed by the older writers, that it was in his time, and concerning him, that Thomas the Rhymer uttered the celebrated prediction which for generations has cast a kind of glamour round the family name. The Rhymer and he were near neighbours, only the lands of Redpath and Cowdenknowes intervening between those of Bemersyde and Ercildoune. The aged Seer had known the De Hagas, grandfather, father, and son, for three generations; and now that the evening of life was closing around him in the midst of danger and adversity, he may have had an old man's solace in recounting to this the younger representative of the house of Bemersyde, the pleasures and friendships of a day that was dead. Cast as they were in sad companionship on evil times, we can imagine them frequently holding sacred converse together—remembering the “gamyn and glee” which distinguished the happier days of King Alexander, and contrasting with these the present melancholy state of their country, its empty throne and disputed succession. Standing perhaps on the dun slopes of the Black Hill, as evening flushed with golden light the vale of Tweed, and tracing beneath them in ruined churches and blackened homesteads the war-path of the Southron foe, what more natural than that the eye of De Haga should soften for a moment as he looked on the fair fields which now were his, but which the accident of the next battle-field might tear from him and his for ever—and that at such a moment his dark-browed, much-meditating companion, the prophetic impulse



full upon his spirit, should turn towards him with words of cheer :

"TYDE WHAT MAY BETYDE,  
HAIG SHALL BE HAIG OF BEMERSYDE."

The prediction thus enunciated may, like the picture here drawn of its origin, be but a creature of the imagination—may have no fixed basis in the world of fact : but Romance has its sphere of mental influence, as well as Reality ; and the events to which men's thoughts most lovingly revert, have as often as not their origin in the airy fancy of the poet, rather than in the sober truthfulness of the historian. The fleet which environed the plains of Troy fills a larger space in the human mind than that which fought at Trafalgar ; and the witches who danced on the heath at Forres are as much the intellectual property of mankind as the barons who surrounded King John at Runnymede. And in this case, the simple rhyme which tradition has associated with the house of Bemersyde, has won for it a degree of distinction in the eyes of Border men and women, which has been denied to houses that have produced greater men, and bulked more largely in the national history.

It would serve no rational purpose to discuss whether the prediction referred to is only a popular superstition, founded on the long possession by the Haigs of their family property, or is actually, as alleged by tradition, a prophetic utterance of the Seer of Ercildoune. If for a moment we may suppose it to have been so spoken, the motive of the speaker must have been a kindly one. And,



curiously enough, the "whirligig of time" has brought round to the Prophet a pleasant recompense for the utterance whereby in popular belief he thus conferred an ægis of permanency upon the house of Bemersyde; since, but for the fact of that old deed of Petrus de Haga to which he is a witness, his own existence might long since have been relegated to the uncertain limbo of mythological creations.

As is the case with most sayings that have come down to us by oral transmission, the form of the prophecy has undergone many variations. Anthony Haig, who was Laird of Bemersyde in the latter half of the seventeenth century, refers to it as at that time of old standing, and quotes it as follows:

Come what will come, tyde what may tyde,  
A Haig shall be Laird of Bemersyde.

Or (he adds) it was in these words:

Whatever happen or betyde,  
A Haig shall be Laird of Bemersyde.

Obadiah Haig, writing after him, in 1699, says: "That famous prophet, Thomas the Rhymer, prophetically expressed the duration of the family by the following verse, and from whence the motto of the Haigs' arms is taken:

Tyde what may betyde,  
A Haig shall be Laird of Bemersyde;

"or thus:

Tyde what may betyde,  
There shall be Haigs of Bemersyde."

It is unnecessary to repeat the later variations on

the same. The fact referred to by Obadiah Haig, that the motto in the family arms is "TYDE WHAT MAY," may be held as sufficiently fixing the earlier form of the first verse in the couplet, the second being subject to many variations. Sir Walter Scott gives the prophecy as :

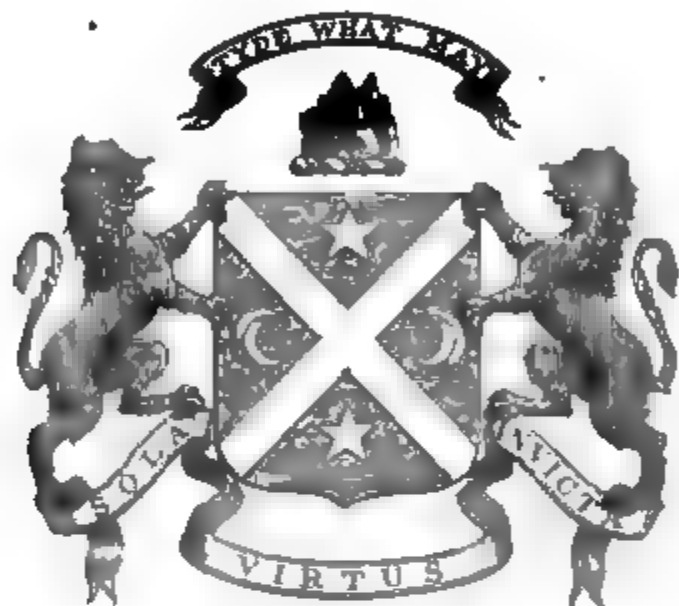
Betide, betide, whate'er betide,  
Haig shall be Haig of Bemersyde.

But the first line in this version, besides being inconsistent with the words of the family motto, and partaking somewhat of the jingle of a nursery rhyme, is less dramatic than the simpler and more archaic form of "Tyde what may betyde," which seems the preferable reading.

Mylne likewise says that it was from this rhyme that the family derived "their crest, a rock, with the motto, TYDE WHAT MAY, relative thereto, which is as much as to say, that whatever troubles and revolutions, or destructions of other houses and families happen, yet this as a rock shall always stand strong." The arms of the family are described as "Azure, a saltire betwixt two mullets in chief and base, a decrescent and increscent in fess, argent," and for crest a rock and motto as above.<sup>1</sup> Previous to 1636, the arms were borne without supporters; but in that year, David Haig, Laird of Bemersyde, married Hibernia Scholes,

<sup>1</sup> In an extract from the Register of Arms, given under the hand of "Sir Charles Araskine of Cambo, Knight-baronet, Lyon King of Arms," of date 10th April 1674, the motto is given as "Come what will." This is somewhat singular, as "Tyde what may" is invariably the motto that appears in the family records, and on their seals. There is only one instance in which the above Register has been followed—namely, in an illuminated design of the Arms in the window of the library in the old tower of Bemersyde.

daughter-in-law of the Chancellor of Oldenburg, and nearly related to the noble German house of Hohenzollern, when he adopted the supporters of her family, two lions rampant, gules, with the additional motto, "SOLA VIRTUS INVICTA."



FAMILY ARMS.

With reference to the St Andrew Cross, or saltire, above shown—being that which appears in the arms of Scotland, as the St George is borne by England—Nisbet says that "those who undertook the expeditions to the Holy Land, for the most part were crossed with that form of crosses used by their own country, so that many families with us carry saltires."<sup>1</sup> Whether this form of cross was adopted by the Haigs in consequence of some one or other of their ancestors having taken part in the Crusades so common in the thirteenth century, can only now be matter of conjecture. That their near neighbour, Patrick Earl of March and Dunbar, who had a place of residence at Ercildoune, engaged in

<sup>1</sup> *Heraldry*, i. 132.

such a crusade, we know ; as in 1247, he sold to the Monks of Melrose his stud of brood mares in Lauderdale, in preparation for his departure to the Holy Land.<sup>1</sup> In such an expedition he was certain, from the religious fervour of the times, to have been accompanied by many of the barons in the district ; and it is quite possible that the De Haga of the period, the third Petrus, went along with him, as we have no details of his personal history preserved to us beyond what are deducible from the two charters of his already given.

To revert to the further career of the fifth representative, Johannes de Haga, we find that in a charter of John, lord of Hermistoun, granted in 1316, in favour of the Church of St Mary and the Monks of Melrose, of all his land in the territory of the town of Lessidewyn (Lessuden), one of the witnesses is *Johannes de Haga, Dominus de Bemersyd*.<sup>2</sup> Again, in 1326, he makes a grant to the Abbey of Melrose of two oxgates of land at Bemersyde.

*Charter of Johannes de Haga of two oxgates of land.*

TO his most dear and faithful Hugh of Haydyf, his bailie of Bemersyd, Johannes, lord of the same town, greeting in the Lord. As I have granted and given to the religious men, the Abbot and Convent of Melros, two oxgates of land in my tenement of Bemersyd, I command thee by the presents that thou deliver that land which the late Hugh of Merton held of me, within my foresaid tenement of Bemersyd, to the attorneys of the said Religious, and invest them in corporal possession. In witness of which thing I have placed my seal upon the presents.

<sup>1</sup> *Liber de Melros*, i. 204. "1248. In this year, Lewis of France, with a great army, marched to the Holy Land, in which journey died Patrick Earl of Dunbar."—Balfour's *Annals*, i. 40.

<sup>2</sup> *Liber de Melros*, i. 379.

John, son of Walter, Sheriff of Berwyc, Roger de Almer, Sir William Cambas, Canon of Dribruch, and many others, cleric and lay, were called as witnesses to the sasine. Dated, A.D. 1326, next after the Feast of the Apostles Peter and Paul.<sup>1</sup>

It is pleasing to note from the above charter that the troubles through which the country had passed during the preceding thirty years had not reduced the Bemersyde family to such a degree, but that they could still afford to make a handsome grant of land to an abbey which is known to have suffered at the hands of King Edward's soldiers almost entire destruction. In all probability this grant was made in order to assist the Abbot and Convent of Melrose to restore, under the secured tranquillity of the Bruce's reign, the beautiful fabric of their sacred edifice.

At this time the grantor must have been about eighty years of age. His son, Petrus de Haga, who succeeded him, is said by Mylne to have been at the battle of Bannockburn in 1314, while but a youth of seventeen; that he was also at the battle of Duplin, in Perthshire, in 1332, when Edward Baliol defeated David II.; and that "at last he was killed at the unfortunate battle of Halidon Hill, against the English, 14th August 1333."<sup>2</sup> His name does not appear in any charter of the period.<sup>3</sup> He is said to have married Margaret, daughter to Allan Purves of Ercildoune, by whom he had two sons, Henry and John.

VI. PETRUS  
DE HAGA,  
c. 1326-33.

<sup>1</sup> For original, see Appendix No. VI.

<sup>2</sup> *Mylne MS.*

<sup>3</sup> Ruddiman, and after him Douglas, erroneously agree with Mylne in ascribing to this Petrus, instead of his grandfather, the charter of half a stone of wax witnessed by Thomas of Ercildoune.

Little that is authentic can be gleaned of the family history during the remainder of this century.

VII. HEN-  
RICUS DE  
HAGA, c.  
1333-68. Henricus de Haga, the seventh represen-  
tative, appears as *Dominus de Bemersyde*  
among the witnesses to a charter, granted  
about 1368, by William of Abernethy,  
knight, son and heir of the deceased William of  
Abernethy, knight, to the Church of St Mary of  
Dryburgh, of his mill of Ulkelstoun, in the vale of  
Lauder.<sup>1</sup> He is said by Mylne to have died unmar-  
ried, and to have been succeeded by his brother

VIII. JOHAN-  
NES DE  
HAGA, c.  
1368-88. John, the eighth male representative of  
the family. In a charter of confirmation  
by John Mautland, lord of Thirlstane, son  
and heir of the deceased Robert Maut-  
land, lord of the same, in favour of the Abbot and  
Convent of Dryburgh, of his whole lands of Snaw-  
doun, in free and perpetual alms, one of the wit-  
nesses is *Johannes de Haga*.<sup>2</sup> This charter may  
have been subscribed by him in his brother's life-  
time, as its date cannot be later than 1369. He  
married Mary, daughter of the above John Maut-  
land, the progenitor of the Lauderdale family; and  
is reputed to have been killed in 1388 at the battle  
of Otterbourne.<sup>3</sup> He left two sons: Andrew, his

IX. Sir AN-  
DREW  
HAIG,  
1388-1414. successor; and William, who was one of  
an assize upon a man for alleged theft in  
1398.<sup>4</sup> His eldest son, Andrew, accord-  
ing to Douglas, had the honour of knight-  
hood conferred upon him by Robert III.;<sup>5</sup> and we  
find that he is witness to a charter of donation by

<sup>1</sup> *Liber de Dryburgh*, pp. 259, 260, 274.

<sup>2</sup> *Mylne MS.*

<sup>4</sup> Douglas's *Baronage*, p. 134.

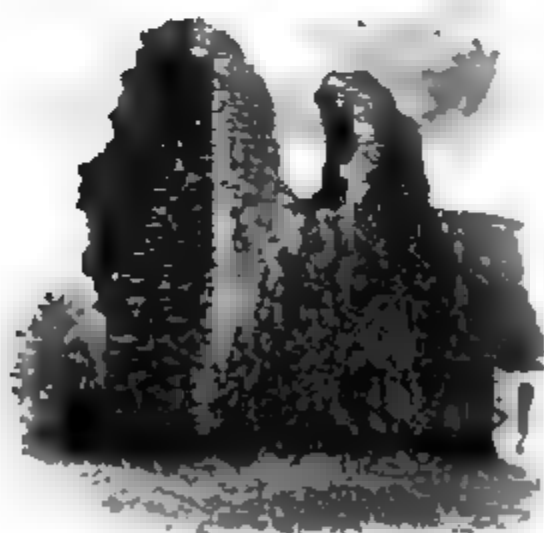
<sup>2</sup> *Ibid.*, p. 230.

<sup>5</sup> *Ibid.*, p. 134.

David Menyheis de Weme (Weem, in Perthshire), to the Monastery of Dunfermline, of an annual rent of nine merks eleven shillings, out of certain lands, which charter is dated on the eve of Thomas the Apostle, 1412.<sup>1</sup> "To whom this gentleman was married," says Douglas, "we have been unable to discover; but he died in the beginning of the reign of King James I., having issue, a son, John."

The name of this representative is given in the above charter as *Dominus Andreas Haig*, this being noticeable as the first occasion on which the family name appears in its present form; after which, with the one exception of a letter written by the Earl of Douglas in 1416, the name in its older forms entirely disappears from the family records, and that of Haig is alone used.

<sup>1</sup> *Registrum de Dunfermelyn*, p. 279.



THE RHYMER'S TOWER, EARLSTOUN.



## CHAPTER V.

1414-1602.

Retrograde condition of the Borders—X. JOHN HAIG, 1414-36: dispute with the Convent of Melrose—Mediation of Earl of Douglas—His letter—Haigs excommunicated—Copy "Publication of Excommunication"—Formula of procedure—Dispute still unsettled—Finally disposed of by a jury of laymen—XI. GILBERT HAIG, 1436-58—XII. JAMES HAIG, 1458-90: national troubles—Espouses cause of James III.—At battle of Sauchieburn—Receives conditional pardon from James IV.—Resigns estates in favour of his son—Feudal ceremony of "staff and baton"—XIII. WILLIAM HAIG, 1490-1513: killed at Flodden—XIV. ROBERT HAIG, 1513-54: before Lords of Session for stoutlreif—At battle of Ancrum Moor—Bemersyde burned by Hertford—Takes "assurance" of Protector Somerset—Resigns estates—XV. ANDREW HAIG, 1554-83: restores the Tower—XVI. ROBERT HAIG, 1583-1602: his daughter's marriage—Sir Walter Scott's descent therefrom.

BETWEEN the time of David the First and that of James the First, a great change had passed over the Borders. In the course of that period, a war of a most protracted and deadly nature had taken place between England and Scotland, embittering all their relations, and forming along both sides of the dividing frontier a large population whose chief employment was to quarrel with and prey upon each other. The extensive and valuable forests which adorned the Borders in the twelfth century had been in

great part destroyed by the devastating fires of invading armies; and the generations in whom a love of peace and industry was then being implanted under the benign influence of the early monastic institutions, had now given place to a moss-trooping and *reiving* race, whose chief pleasure was foray, and whose choicest work was war. Even the religious houses themselves had changed in the interval—had changed, in respect of all that was good in them, very much for the worse: the comparatively simple and industrious habits of their founders having been superseded by a spirit of haughty ostentation which their great and increasing riches tended more and more to foster, accompanied with a lowered moral tone, and a striking absence of spiritual aims. The ecclesiastics were indeed at this time the most worldly-minded, selfish, and earth-loving of the community, detested by the nobles and gentry for their pride and ambition, and sneered at by the common people for their hypocrisy and vice. In the twelfth century we found these houses generally loved and respected; in the fifteenth we find them as generally hated and despised.

It was the misfortune of John Haig, the tenth representative of the family of Bemersyde, almost immediately after his accession to the estates, to become involved in a bitter feud with one of those powerful ecclesiastical bodies. The Abbot and Convent of Melrose laid claim to a certain piece of ground at the point where their lands of Redpath marched with those of Bemersyde; which claim the Haigs strenuously resisted, and a violent and uncompromising

X. JOHN  
HAIG,  
1414-36.

quarrel ensued between the parties, extending over a period of nine years. But John Haig appears to have been a man who could hold his own, and was not to be beaten off without a struggle. In the contention he was vigorously supported by his friends and retainers; the consequence being, that from 1416 to 1425 his relations with the Church and Convent of Melrose were anything but pleasant.

The particulars of the dispute are fully brought out in the papers still extant referring thereto. The lands of Redpath originally came into the possession of the Abbey of Melrose about a hundred years before this time, having been gifted to it by Thomas Randolph, Earl of Moray.<sup>1</sup> On the marches between the estates of Bemersyde and Redpath, was a piece of ground over which Abbot David of Melrose claimed the exclusive right of cultivation and possession. Haig, on his part, held that the right of *erig*—that is, ploughing—of this piece of land should be common to both. Failing to come to an understanding in the matter, and after not a little contention and bloodshed, including the repeated wounding of the Abbey servants, and the slaying and driving away of the Abbey cattle, by the Haigs—the disputants, one or both of them, referred the question to the arbitrament of Archibald Earl of Douglas, then warden of the Forest of Selkirk. This was the third Earl of that name, known as the *Tineman*<sup>2</sup>—the Douglas of Shakespeare and Shrewsbury; at this time, next to the Regent, the most

<sup>1</sup> *Liber de Melros*, p. 385. The gift of Earl Moray is confirmed by Patrick Earl of March, as overlord of Redpath.

<sup>2</sup> From Scotch *tine*, to lose. He was called *Tineman*, or *Loseman*, from his misfortunes in war.

powerful nobleman in Scotland. The Scotch people were then in the throes of a political controversy that had arisen between them and Henry V. of England as to the detention by the latter of their prince, James I., as a prisoner; and in this controversy the Earl of Douglas was taking a prominent part.

His lordship, however, on being appealed to in connection with the less imposing dispute between "ane honourable squire, John de Hage, lord of Bemersyde," and the Abbot of Melrose, addresses a letter to them, dated at "Gallowschele" (Galashiels), the 17th December 1416. It is written in the vernacular, and takes the form of a kind of proclamation "to all the sons of our holy mother the Kirk," in which the Earl reminds them that it is a "gude thing and amatory to make friendship, unity, and gude concord between parties discording," and pleads excuse for not having sooner addressed himself to the question on the ground of the "high and great business" which he had upon hand at the time of the rising of the discord. He proceeds to state that, at his "special instance and busy request," the Abbot, pending the settlement of the dispute, had agreed to remove his ploughs from the land till the next Feast of Fasten-even (Shrove-tide); the Earl in the meantime undertaking to the said Abbot and Convent that the removing of their ploughs at his request shall not be to their prejudice, grief, or damage, in time to come, when, by God's grace, he shall make final end between the parties as touching this matter. He further stipulates, that in the event of his not occupying it otherwise, it shall be lawful to the said Abbot and Convent, upon the

morning after the said Fasten-even, to put again their ploughs to the said land, and "to labour as it may maist profit them, at their ain liking, forouten<sup>1</sup> langer delay," neither the said John Haig, nor any other man, making them impediment, grief, harm, or molestation.<sup>2</sup>

Either the Earl had been dilatory in taking action, or the basis of settlement proposed by him had not been satisfactory to one or other of the parties; for eighteen months afterwards the dispute is still unsettled. This is to be gathered from a document in which the Earl makes known that he has let or leased, "to *borch*,"<sup>3</sup> to "a venerable father in Christ, the Abbot of Melros, that land whilk lies in debate betwixt the foresaid Abbot and the lord of Bemersyde, whilk foresaid land we recognisit in our hands upon certain cause. In witnessing of the whilk thing, to the present letters we have gart<sup>4</sup> set our seal at Eddybredschele,<sup>5</sup> the thirteen day of the month of May, the year of our Lord 1418."<sup>6</sup> The Abbot and his brethren were still feeling uneasy as to their position; and their opponent would seem to have called in question the soundness of the titles on which they professed to hold the lands of Redpath: for on the 10th of July following, the Earl of Douglas certifies that he has "held, inspected, and with diligence examined," the said titles, and issues a charter confirming the same. Yet the quarrel

<sup>1</sup> Without.

<sup>2</sup> For original letter, see *Liber de Melros*, ii. 539, 540.

<sup>3</sup> Under surety.

<sup>4</sup> Caused.

<sup>5</sup> I have been unable to identify this place with any existing name in the district—unless it may have been a now-forgotten name for Galashiels, from which the Earl addresses his first letter. The name occurs also in two charters of the same Earl printed in *The Scotts of Buccleuch*, ii. 24, 25.

<sup>6</sup> *Liber de Melros*, ii. 540.

runs on for other four years, every seed-time and harvest, no doubt, bringing about a fresh rencontre between the vassals of the Abbey and the haughty Haigs; till, all other means of intimidation on the part of the churchmen having failed, they direct against the Laird of Bemersyde, and all those conjoined with him in his rebellious rivalry of the Church, the once all-formidable anathema of excommunication. This took place about Palm Sunday 1422; and as the minute of the Abbey Chapter relating to its publication is still extant,<sup>1</sup> and of sufficient interest as showing the Church's mode of operation in such cases, we give here a translation of it.

Publication of the excommunication of John Hage, lord of Bemersyde, and his advisers and abettors, by the Abbot and Convent of Melrose.

The face of the Lord is upon them that do evil, that he may destroy their memory from the earth: And the action of Christ is our instruction: After which premised authority, let all the faithful of Christ whom it concerns, know [that] we, DAVID, Abbot, and the Convent of our monastery of Melros, of the Cistercian order, and of Glasgow diocese, conventually and specially assembled upon this [matter] in our chapter place, about the last Palm Sunday in the year of God 1422, solemnly and canonically have there admonished in our chapel over the gate, and at the cross before the gate of the said monastery, John Hage, lord of Bamersyde, Gilbert Hage, his son and heir, David Hage,<sup>2</sup> son of the said John, John Hage of Trarowny Grange, John, son of the late Walter Hage, and others, their advisers and abettors, present, consenting and assisting them to inflict

<sup>1</sup> *Liber de Melros*, ii. 542.

<sup>2</sup> This David may be the same with the David Haig who witnesses, among others, a tack of Butchercoits by Walter, Abbot of Dryburgh, to William Hali-burton and Janet his spouse, in 1465. — *Lib. de Dryburgh*, pp. 278, 279.

upon us and our said monastery of Melros by way of deed, and not of any right whatever, grievous and hurtful injuries, and their violent hostility manifested by them and theirs, as said is, inflicted upon us within the territory of our lands of Redpeth, in the grievous wounding of our servants there abiding, by them unjustly attacked, in the slaughter of our cattle, and in the cruel putting to flight of the remainder,—to give redress to us and our monastery for all their foresaid enormities, evil deeds and injuries, perpetrated and thus inflicted contrary to right, and against the liberty of holy mother Church, of our religion, and in open contempt of the Apostolic protection granted to us and our monastery, [and that] within fifteen days next following these our canonical admonitions; of which fifteen days afore fixed there may be five for the first, five for the second, and five for the third, assigned to the same as by the foresaid canonical monition and peremptory term, for redressing and satisfying regarding the premises, under pain of excommunication: But which fifteen days foresaid being indeed passed, notwithstanding the foresaid warnings with their penalties attached, the said Gentiles pursuing all the errors of their Gentilehood, not having, as it seems, the fear of God and the Church of the Lord, in no wise acknowledging their said faults, have thus remained truly impenitent by persisting in their malice already begun: Because of which said grievous crime committed by them, and neither amended nor to be amended, in any way in any part, by charity and canonical monition, but [which] abides hardened in the hearts of those committing it, the face of our College, after the before-written authority, the pattern of our Lord Jesus Christ, is exerted for punishing the evil deeds of the said guilty malefactors, who refuse to obey the canonical mandates of our mother Church, concerning which [thing] we grieve in vehemence of spirit, being thus compelled and necessitated to raise the sword of ecclesiastical vengeance against them for defence of the Church's right: For which reason in the divine name aforesaid, premising that each thing be accomplished by the authority of the Lord, and of the Apostolic see of holy

mother Church, [We,] by virtue of the right of our order and of the ecclesiastical power given to us, according to the common permission of right and privilege of any special Apostolic grant to us, have denounced and do denounce all the foresaid delinquents, and each of them to be held as excommunicated, on the first Sunday after Easter, solemnly to be bound under these writings; Humbly beseeching all the Reverend fathers in Christ of our kingdom, lords bishops, seeing or hearing by inspecting our present process, that these have been declared excommunicate, to command that the same [persons] so excommunicate be published through all their dioceses: In witness of which thing, to this writing of our present process and of the sentence of denunciation following, the common seal of our chapter is appended at our said monastery, year, day, and place above stated.<sup>1</sup>

There is about this proclamation, with its somewhat ponderous legal formula, a certain air of calmness and deliberation which we do not naturally associate with the act of launching the Church's heaviest bolt of vengeance—an act more readily thought of as quick, sharp, and fiery, blasting in a moment as with lightning-touch the object of its wrath. But the very pauses in the impending event—when his name would be pronounced accursed before all the people, and his candle be extinguished upon the altar—would in general be fraught with awful horror to the victim of the anathema. We have the solemn meeting in the chapter-house, the three formal admonitions of the delinquents in “the chapel over the gate” and at “the cross before the gate,” the deliberate and judicial-looking repetition of their names and offences, followed by the fifteen

<sup>1</sup> For original, see *Liber de Melros*, ii. 542-44.



days of waiting for repentance—five for each of the three several admonitions; and then, the days of grace having expired without sign of sorrow or contrition on the part of the offenders, they are denounced as “Gentiles,” and as “pursuing all the errors of Gentilehood,” declared to be beyond the pale of the Church, and the bishop in each diocese instructed to make public in all the churches the names of those so proscribed and cast out. The policy of thus making the punishment of excommunication, in its preliminaries, terrible and slow, is based on that profound knowledge of human nature which has long been characteristic of the Romish Church. Few persons in the Middle Ages, when the Church was all-powerful, would be able to bear up against this protracted mode of infliction. It would act as a kind of mental thumb-screw; and in nine cases out of ten, the delinquent, under the fear of the Church’s ban and the pressure of his own conscience, would yield in one of those five days of agonising suspense. The Church would be more glorified by his submission than by his expulsion; hence the latter alternative was not to be courted, for in that case it was just possible the culprit might live to discover that the spiritual consequences of ecclesiastical proscription were not so terrible after all.

Fifteen years before this time, the protomartyr of Scotland, John Resby, had been burned at Perth for preaching the Lollardism of Wycliffe, and the smoke of that burning may have continued still to infect the air: at all events, the sentence of excommunication thus hurled at the head of Bemersyde and his rebellious associates failed of its object so far as the

matter in dispute was concerned. Haig still held to his original contention, and the force of the excommunication could not keep whole the skin of the Abbey servants.<sup>1</sup> In the year following, Abbot David died, and was succeeded by John of Fogo. This "lubberly monk," as an old annalist calls him, was either actuated by less bitter feelings than his predecessor in the matter of a few furrows of land, or too indolent to contest the question further; for the Earl of Douglas, in 1425, was again called upon to interpose his services, and, seeing that the ecclesiastical mode of settlement had proved abortive, he took the more common-sense method of appointing a jury of thirteen lay gentlemen of the district to re-define the marches between the estates. Their verdict appears to have been satisfactory; for on the day of the "assize," the 16th November of the above year, the Earl of Douglas, at his "manor of Edybedschelis," reconfirms the charter of Earl Moray by which the Abbot and Convent held their title to the lands of Redpath, and includes in his deed of confirmation the formal award of the jury.<sup>2</sup>

<sup>1</sup> Mylne quotes a proverb which may have had its origin in this quarrel: "*Racabo undes*, quoth the Laird of Bemersyde, when he brake a bearméal cake on a Feast day." I have not been able to obtain any explanation of the two italicised words; but the accompanying action "on a *feast* day" would seem to indicate ridicule of the Church.—Mylne also quotes another proverb in connection with the family. "The country people," he says, "have a phrase or by-word when they tell any old story: 'The Laird of Bemersyde is a living man, who both heard and saw it.'" This proverb is evidently of some antiquity, as we find it in the handwriting of David Haig of Bemersyde (1636-54), on a blank leaf of his Bible.

<sup>2</sup> This *Instrument of Perambulation and Division of Marches betwixt Redpath and Bemersyde*—the oldest document in point of date in the Bemersyde charter-chest, though itself probably only a copy of a previous document—is

That by this settlement of the dispute the Laird of Bemersyde was likewise restored to the favour of the Church, there need be little doubt. Douglas says that "the affair being compromised, the sentence of excommunication was taken off."<sup>1</sup> Mylne, however, must not have been aware of this, for, after referring to the sentence of excommunication passed upon the Haigs, he solemnly says: "Since which time the family has gradually fallen back from their primitive grandeur and greatness; and before it come to a period it were fit to apply to the Pope to take off the sentence, which is not done to this day."<sup>2</sup> The writer must at this moment have forgotten his former burst of exultation over the impregnability of the house of Haig, as a family preternaturally hedged about by the prophetic spell of the Rhymer.<sup>3</sup>

written on a small sheet of parchment, first in Latin and then in English. The following is the English version:

"The names of the men that devydit the Marches betwixt Ridpeth and Bymersyde, and ther perambulation and divisioune of the Marches.  
To witt—

"James of Rutherfuir, Johne of Rentoun, James of Ormestoun, Allexander of Murray, Johne of Liddell, George of Hoppringill, Alexander of Hoppringill, Johne of Elphinstoun, William Turnbull, Johne Thomsoun of Mersintoun, Johne of Ruthirfuir, Patrick Hoge, and Gilbert Hoge, Squyris and othris diverse nocht heare mentionate, quho all having sworne said these to be the right and trew merchies betwixt the Landis of Redpeth and Bymersyde, To witt—Fra the Chyldwell aboue to the middle of the Threiploche, and therfra to the standand staine downward the syke to the mides of helden-fuir, and fra helden-fuirde down be the midburne, goeing about the fowsie or dyke, quhilk dyke sumtyme had a certane yett steikit and lockit for the carreying therby of tymber for the building of the Abbacie of Dryburgh to the Hakkerstane crose. This perambulation was doone the sextine day of November the yeire of God 1425.

"This is the trew coppie of the principall dowbled over be me Adam Broune notar publict, as witness my signe and subscription mannuall.

"A. Broune, notarius publicus."

<sup>1</sup> *Harborage*, p. 134.

<sup>2</sup> *Mylne MS.*

<sup>3</sup> *Ante*, p. 82.

John Haig married (1) Elizabeth, youngest daughter of Hugh Gifford, Lord of Yester, and (2) Elizabeth, daughter to Mure of Rowallan, by the latter of whom he had Gilbert his successor, and the other sons above mentioned. He was killed at the battle of Piperdean, assisting the fourth Earl of Douglas against Earl Percy, in 1436.<sup>1</sup>

Beyond his implication along with his father in the quarrels with the Abbot of Melrose, there is little to be learned of Gilbert, the eleventh Laird. He married Barbara M'Dougall, his cousin, daughter of the Laird of Makerstoun; and is said to have been present with Hugh Earl of Ormond at the battle of Sark, in 1450, and to have afterwards joined the Earl of Angus against the Earl of Douglas, in 1455.<sup>2</sup>

XI. GILBERT  
HAIG,  
1436-58.

James Haig, his successor, had the misfortune in his later years to be mixed up in the unhappy state of affairs which followed upon the rebellion of James the Third's nobles against him at Lauder in 1486. He was married to Margaret, daughter of Sir David Scott of Branxholm,<sup>3</sup> one of the progenitors of the Buccleuch family, which was then beginning to figure more prominently in national affairs, in contradistinction to that active participation in Border quarrels which had hitherto distinguished it. By his marriage he had one son, William, and a daughter, named Elizabeth, whom Douglas<sup>4</sup> identifies with Elizabeth Haig to whom King James IV., who calls her "our dear servatrix," granted at Stirling, on 4th July 1499, a charter

XII. JAMES  
HAIG,  
1458-90.

<sup>1</sup> *Mylne and Rud. MSS.*

<sup>2</sup> *The Scotts of Buccleuch*, i. 56; *Baronage*, etc.

<sup>3</sup> *Mylne MS.*

<sup>4</sup> *Baronage*, p. 134.

under the Great Seal of the lands of Hallbank, near the town of Dunfermline.<sup>1</sup>

The first mention of James Haig is in a retour of the year 1461; and on 4th March 1466, he is one of the witnesses to a commission granted to Walter, Abbot of Dryburgh, by William Crayton of Corsby, knight, "Justiciar besouth Forth, specially constitute."<sup>2</sup> He then disappears from sight till twenty years afterwards, when we find him ranged on the side of James the Third in the troubles that had then broken out. The dispute was peculiar, in that the King and his own son were nominally the respective chiefs of the contending parties. The one possessed the supreme power in the realm; the other was all but certain in course of time to succeed to it. Consequently, either from principle or policy, it was not uncommon to find the noble families of the land similarly divided, possibly as being thus better fitted to benefit by whatever contingencies might ensue. Alexander Lord Lindsay, for instance, was on the opposite side to his father, the Duke of Montrose.<sup>3</sup> The Laird of Bemersyde and his eldest son William were likewise in opposition, the former espousing the cause of the King, the latter that of the Prince. After the disaster of Sauchieburn, therefore, where James III. lost his life, the elder Haig was among the number who had to make peace with the new King as best they might; and for a time he went into hiding till his friends and relations could use their influence to restore him to favour, or at least to save his life. He was fortunate

<sup>1</sup> *Reg. Mag. Sig.*, lib. 13, p. 436.

<sup>2</sup> *Liber de Dryburgh*, p. xvi.

<sup>3</sup> *Lives of the Lindsays*, i. 169.

in having in the party of the young King, besides his son, many influential neighbours, chief among whom was Alexander Home of that Ilk (afterwards second Lord Home), who then held the high office of Great Chamberlain of Scotland; and by their friendly mediation the King was brought to spare his life, but on condition that he resigned his estates into the hands of the King in order that they should be conferred upon his son William.

On the 12th February 1490, James Haig accordingly executes a procuratory of resignation of his lands of Bemersyde, in which he states that, "not led by force or fear, nor fallen into error, nor circumvented by fraud, but of his mere, pure, and spontaneous will," he appoints "a noble and mighty man," Alexander Home of that Ilk, Great Chamberlain of Scotland, as also these "honourable men," Patrick Home of Fastcastle, John Home of Earlstoun, John Home, son and apparent heir of George Home of Ayton, William Sinclair, and Thomas Donaldson, conjointly and severally his procurators for the resignation of his lands of Bemersyde, "by exhibition of staff and baton," into the King's hands; reserving to himself the "frank tenement" or liferent of the said lands, with a "reasonable third part" of the same to Margaret his spouse after his decease.

This deed of resignation was given effect to on the following day; and the instrument which records what then took place preserves to us the curious feudal ceremonial of "staff and baton" which formed part of the transaction. Encumbered as the record is with the vain repetitions of the law, it yet presents a striking picture of what took place in the Palace of

Haigrood at eight of the clock on that February morning, when, in the presence of the Court and nobles assembled, the Great Chamberlain, "kneeling on bended knees as became," surrendered by staff and baton the estates of the elder Haig of Bemersyde into the hands of the King, who thereupon delivered the said staff and baton to the younger Haig, "a prudent man, then present," in token of his legal investiture in his father's privileges and possessions.

*Resignation by James Haig of Bemersyde, 13th February 1490.*

**I**N the name of God, Amen: By this present public instrument be it evidently known to all, that in the year from the incarnation of the Lord, a thousand four hundred and eighty-nine,<sup>1</sup> on the thirteenth day of February, in the eighth indiction, of the pontificate of the most holy father in Christ and our lord, Innocent VIII., by divine providence Pope, the sixth year, and of the reign of the most excellent and serene prince and Lord, our lord James the Fourth, by the grace of God, most illustrious King of Scots, the second year: In presence of me notary public and witnesses underwritten, personally compeared a noble and potent lord, Alexander lord Hume of that ilk, irrevocable procurator of an honourable man James Haig of Bemersid, as clearly appeared to me notary public underwritten, by document under his pendent seal<sup>2</sup> which I saw with my eyes, before his highness, our said lord the King, and there, with all subjection, humble service, and reverence, kneeling on bended knees as became, and on behalf of the

<sup>1</sup> Until 1600, the ancient Jewish year, which opened with the 25th of March, was observed in Scotland; so that 1489 in the above deed is, according to our modern system of computation, 1490. *In this work the years are given in accordance with the modern calendar.*

<sup>2</sup> The seal is still attached to the deed of procuratory, but is much worn; the legend, "S. Jacobi Haig," being barely legible. The arms are in the centre, but only the shield, and the upper extremities of the saltire thereon, are traceable.

said James, and as his procurator, surrendered, and by staff and baton purely and simply resigned, all and singular his lands of Bemersid, with the pertinents, lying in the shire of Berwick, in the hands of our said sovereign lord the King, as in the hands of the lord superior thereof, and altogether quitclaimed all right and claim, property, and possession, which the said James Haig had or in any way might have to the foresaid lands with the pertinents, for ever, so that our foresaid lord the King should have power to dispose of the forenamed lands according to the freedom of his own will: which resignation thus duly and lawfully made, and by our said sovereign lord the King received and admitted, the same lord the King gave and delivered state, real and corporal possession, of all and sundry the said lands of Bemerside, with their pertinents whatsoever, to a prudent man William Haig, then present, son and heir apparent of the said James, and to his heirs, by delivery of the same staff and baton, as the manner is in such cases, according to the tenor of the Charter by our foresaid sovereign lord the King granted thereupon to the aforesaid William, as freely and quietly in all respects as the said James Haig and his predecessors held or possessed the aforenamed lands with the pertinents, of our said lord the King or his predecessors, before the present resignation: Reserving, however, and retaining to the foresaid James Haig of Bemersid, the frank tenement of all the foresaid lands of Bemersid with their whole pertinents, for all the time of his life, and to Margaret his spouse, after his decease, a reasonable terce of the same lands: Of and upon all and sundry which things, the foresaid William Haig asked from me notary public underwritten one or more public instruments to be made for him: These things were done in the royal chamber at the monastery of the Holy Rood near Edinburgh, at eight o'clock before noon, the month, day, etc., above mentioned, these honourable men being there present—Adam Hepburne, brother german of a mighty and potent lord Patrick earl of Bothwell, and lord Hales, John Lundy of that ilk, knight, James Douglas of Pettindreich, Patrick Home of Fastcastell, John Home



of Earlston, John Hamilton of Perdowe, Robert Ker, son and heir apparent of Walter Ker of Cessford, knight, Andrew Wood and David Caldwell, with many others, in great number congregated, called and specially asked as witnesses to the premises.<sup>1</sup>

On the succeeding day, the 14th February, the King issued to William Haig a charter under the Great Seal of the lands of Bemersyde. The right of liferent, however, which the father reserved to himself, was a wise provision on his part, and a generous concession on that of the King.

Of William Haig, his successor, there is not much to record beyond his part in the events  
 XIII. WIL-  
 LIAM HAIG,  
 1490-1513.  
 above described. Like his neighbour chiefs on the Borders, he seems to have been addicted to *reiving* habits; as, on the 9th December 1494, the Lords in Council at Edinburgh decreed and declared that William Haig, and eleven others of less note, "does wrang in the vexation, inquietation, and disturbing of James Newtoun of Dalcoif [or Dalcove, near Kelso], his tenants, etc., in the peaceable bruiking and joising<sup>2</sup> of his land callit Dalcoifside and Dennayrig, lying in the freedom of Berwick," and are ordered to desist.<sup>3</sup> He married Isabell, a daughter of Mungo Home of Cowdenknowes, and had by her one son, Robert, his successor. On 15th May 1513, we find him on the jury of an assize in a trial for theft;<sup>4</sup> and on the 20th September following he is in the list of those who fell on the Field of Flodden.<sup>5</sup> The adhesion

<sup>1</sup> Translated from the Latin of original. <sup>2</sup> Possessing and enjoying.

<sup>3</sup> *Acta Dom. Aud.*, p. 193.

<sup>4</sup> Pitcairn's *Criminal Trials*, i. \*87.

<sup>5</sup> Ridpath's *Border History*, p. 341, where the name, however, is given by mistake as James, instead of William.

which he gave to James IV. in his youth, he had continued to manifest to the fatal end.

The fifteen years which followed the battle of Flodden was a distressing period for Scotland. James V. being in minority, the country had then, as on too many other occasions, most woful experience of the evils which accompanied the reign of "bairn kings." The queen-mother, widow of James IV., and sister of Henry VIII., married the Earl of Angus, and their miserable disagreements, and the contentions that followed thereupon throughout the country, are matters of history. The Border chiefs in general attached themselves to the party of Angus, as against that of Arran; and Haig of Bemersyde did as his neighbours were doing. Hence he got into trouble; of which, however, on 12th October 1528, he was so far relieved by receiving, along with certain others, "a remission" for treasonably besieging the Castle of Stirling and Palace of Linlithgow.<sup>1</sup>

XIV. ROBERT  
HAIG, 1513-  
1554.

But Robert Haig appears to have been too thorough an embodiment of the lawless spirit of the times to be able to confine himself within the limits of semi-political contentions. Like his father, he was not averse to varying the monotony of his life by an occasional raid upon his neighbours' moveables, and, with the true old Border instinct, bringing off whatever was transportable on its own four feet. Accordingly, in 1535, we find him summoned to appear before the Lords of Council and Session in Edinburgh for three separate acts of "stouthreif and spoliation," committed by him against his neigh-

<sup>1</sup> Pitcairn's *Criminal Trials*, i. \*242.

bours the Haliburtons of Mertoun, one offence dating as far back as 1519, and the others in 1521 and 1522. The fact that these cases had been from twelve to sixteen years in maturing against the offender, speaks ominously as to the general state of misrule that prevailed during the minority of James V.; and the circumstance that the authorities were at length endeavouring to atone for their former laxity may have been owing to the determination with which the King addressed himself, after he had assumed the sovereign control, to subdue the turbulent spirit of the Border chiefs. In May 1530 he made a descent on the Borders for this purpose, and, amongst other acts of reprisal, executed two noted freebooters, Cockburn of Henderland, and Adam Scott of Tushielaw. That same month, Robert Haig of Bemersyde, Philip Nisbet of Nisbet, and others, were denounced rebels, and put to the horn "for not entering to underly the law, for assistance given and afforded to thieves and malefactors in violation of their bonds."<sup>1</sup>

Haig hitherto had managed to evade the consequences of his misdeeds; but on 17th March 1535 the Lords of Council gave "decreet" against him for the theft of two horses, etc., from David Haliburton, William Haliburton his brother, and Walter Haliburton of Mertoun, ordaining him to restore and deliver again to the said David and William "the saidis twa horse as gude as they were at the time they were taken theftuously furth of the lands of Mertoun in the month of January 1521, and output<sup>2</sup> by the said Robert Haig to Mark Crosar.

<sup>1</sup> Pitcairn's *Criminal Trials*, i. \*144.

<sup>2</sup> Disposed of, or resettled.

Mertyne Crosar, and ane callit Elwand, common thieves and traitors of Liddisdale, or else the avail<sup>1</sup> of the saidis twa horse, price xl angel-nobles,"<sup>2</sup> and also "ordains letters be direct to poind and distrain the said Robert Haig therefor." He is likewise summoned to appear before the Lords on the 20th of April following to answer "for the damage and scaith sustainit by the said Walter Haliburton through harrying of his lands of Lochflat in the month of January 1519;" the said Walter being also directed to appear to "give his aith of the damage and scaith sustainit by him, and price of the guids spulzied fra him."<sup>3</sup> The Lords further summon Haig to appear before them on the same date at the instance of Margaret Haliburton, she having had "theftuously taken fra her by the saidis Robert Haig and John Akinson his servant, in company with Crosaris, Elwandis, and Niksonis, common thieves and traitors, the time they harryit the lands of Hairclewcht, whilk was in the month of December 1522, that is to say, xij oxen, price of the piece iij lib., with ky [cows], horse, and other guids, and profits of the samen."<sup>4</sup> The issue is not recorded; but we may take it that this wild life which the Laird of Bemersyde was evidently leading, did not conduce either to the comfort of his person or the stability of his estate.<sup>5</sup>

Shortly after this time we have indications that

<sup>1</sup> Value.

<sup>2</sup> An *angel-noble* was an English coin, value 6s. 8d., so called from a figure on its obverse of the archangel Michael piercing the dragon.

<sup>3</sup> *Acta Dominorum Concilii et Sessionis* (in Register House), vol. iv. fol. 89.

<sup>4</sup> *Ibid.*, iv. fol. 90.

<sup>5</sup> In both summonses, the name of John Home of Cowdenknowes is conjoined with that of Haig, as his "pledge and surety."

Robert Haig had suffered severely by the fines imposed upon him for these and other offences. At the battle of Ancrum Moor, however—fought on the 6th of February 1544—he is said to have so far redeemed himself by his bravery in action as to have received a “discharge of many bygone debts owing to the King.”<sup>1</sup> In the accounts generally given of this engagement, Evers and Latoun, the English leaders, are represented as having been found dead among the slain after the battle. But in the private memoirs of the Bemersyde family, it is stated that Robert Haig distinguished himself in the battle by taking Lord Evers a prisoner with his own hand, and carrying him in a wounded condition to Bemersyde, where he died in a few days, and was buried in Melrose Abbey. This account is rendered not improbable by a letter preserved in Hayne’s *State Papers*, where it is said that Lord Evers was killed in the battle, “or died of his wounds.” It was long indeed believed in the locality that the armour which Lord Evers wore was preserved in Bemersyde House; but, if it once was there, it is not so now.

The politics of Scotland were at this time proverbially fickle, the country being distracted amidst a clashing of interests and parties which it is almost impossible to unravel. The religious opinions of the people were ripening towards the Reformation, and the King of England was on the side of the Reforming principle. But Scotch patriotism could not well brook certain of the demands which he put forth, especially in the matter of his determined attempts

<sup>1</sup> *Mylne MS.*

to force upon Scotland the designs which he entertained with regard to the marriage of the infant Queen Mary. On the other hand, the patriotic party in Scotland was headed by Cardinal Beaton, whom the Reforming Scots distrusted and disliked; and between these conflicting interests Scotch politics became for the time a perfect chaos of uncertainty. This confusion was further increased by the hostile expedition which Henry VIII. sent into Scotland under Evers in 1544, and which was discomfited at Ancrum Moor; at which battle—so variable was the state of men's minds at the time—a body of "Assured Scots" who were supposed to be on the side of England, at a critical moment allowed their patriotism to get the better of their politics, and joined in driving the Englishmen beyond the Borders. In the autumn of the following year, the English King sent down another expedition under the Earl of Hertford, which committed the most fearful ravages upon property in the South of Scotland that were ever chronicled. They burned the Abbeys of Kelso, Dryburgh, and Melrose, as also the towns and towers of Darnick, Gattonside, Dingleton, Eildon, Maxton, Lessuden, Mertoun, and numerous places besides. Among those named as so destroyed is the Tower of Bemersyde. Then in 1547, still a third expedition was sent down, this time under the Earl of Somerset, the Lord Protector, which culminated in the disaster of Pinkie-cleugh, the most inglorious engagement in the annals of Scotland. The leaders of public opinion—the nobles and clergy—were at their wits' end, and could not agree among themselves as to what course they should pursue. As a

consequence of this irresolution, the taking "assurance" of the English began to assume the appearance of a necessity. "At this dolorous time," says the author of *The Complaynt of Scotland*, "we are constranit to be assurit, the whilk assurance is but ane dissimulation, tarrying till the time work ane better chance. And I think that our dissimulation is neither crime nor sin, considering as the business of the country stands presently. For ane dissimulation that proceeds not of an astute interest should be callit ane high prudence, rather nor dissimulation."<sup>1</sup> To such sophistry were Scotchmen at this time reduced, in order to cloak their unpatriotic expedients. We need not wonder, therefore, that the name of Robert Haig should appear at this time in the list of Border chiefs who took "assurance" of Protector Somerset in September 1547.<sup>2</sup>

Whether due to personal misfortunes, or the exigencies of the times, is not clear, but seven years after this proceeding—namely, on 26th April 1554—Robert Haig executed a deed resigning into the hands of Mary, Queen-Dowager of Scotland, his whole estate of Bemersyde, in favour of Andrew Haig, his son and apparent heir, reserving to himself the liferent of the same; and for this purpose appointing Mr William Ker, rector of Auld Roxburgh, and others, "honourable men," his procurators. The witnesses are George Hoppringill of Wranghame, William Haig in Bemersyde,<sup>3</sup> Thomas

<sup>1</sup> *The Complaynt of Scotland*, edited by Dr J. A. H. Murray for the Early English Text Society, p. 135.

<sup>2</sup> Patten's *Expedicion into Scotland* (London, 1548). See Appendix No. VII.

<sup>3</sup> This William Haig was son of Robert Haig, portioner in Bemersyde. In the accounts of the Chamberlain of Dryburgh, for 19th December 1567, there

Cranstoun in Thrid [on the estate of Bemersyde], James Haig, son of the said Robert, etc. On the 3d of June following this resignation, there is a charter under the Great Seal, granted by Mary Queen of Scots, confirming upon Andrew Haig "all and whole the lands of Bemersyde, extending to ten punds of land of old extent, with the manor, orchards, garden, woods, fishings on the water of Tweed," etc.

Robert Haig married Barbara, daughter of William Spottiswood of Spottiswood, and by her had Andrew his successor; and James who witnesses the above procuratory of resignation. Probably a third son was John Haig, who in 1585 received from James VI. a charter in confirmation of one granted nineteen years previously by David, Commendator of Dryburgh, of certain lands, with a barn and yard, near the Church of Lessuden, St Boswells.<sup>1</sup>

No mention is made in contemporary documents, later than the above, of Andrew Haig, the fifteenth representative of the name.<sup>2</sup> He was three times married, although there is considerable diversity among the genealogists as to

XV. ANDW.  
HAIG,  
1554-83.

is the following entry: "Item, de iij. lib. receivit fra William Haig's wife for by-run mails [duties] of the tiend pease of the town of Bemerside."—*Liber de Dryburgh*, p. 394. Again, in the Register of Wills (Register House, Edinburgh), of date 23d March 1575, is the testament-dative of the said Robert Haig, who died in December 1569, as given up by William Haig his son. The inventory is of interest as denoting the value of a farmer's plenishing at that period. The free moveable estate amounts to £76, 13s. 4d. Scots, and consists of five oxen at £6 each; two rouks [ricks] of oats, estimated to 29 bolls at 20s. each; one rouk of barley, or seven bolls at 40s. each; utensils and domicils, £3, 13s. 4d.—*Edin. Test.*, vol. iv.

<sup>1</sup> *Reg. Mag. Sig.*, lib. 36, p. 86.

<sup>2</sup> An exception to this statement is possibly to be found in the subscriptions adhibited to a bond, dated at Kelso, 6th April 1569, in which certain barons, landed men, gentlemen, inhabitants of the sheriffdoms of Berwick, Roxburgh, Selkirk, Peebles, etc., combine to oppose themselves to the "rebellious people,



who the respective ladies were. That his third wife, as stated by Douglas, was Elizabeth, daughter of William M'Dougall of Makerstoun, is undoubted, from the circumstance that her initials and family



arms appear along with his on a stone which still exists at Bemersyde. After receiving possession of the estates, he probably busied himself in rebuilding or restoring the

family stronghold, "razed" in 1545. From the well-known strength of these old fortresses, and the haste which necessarily marked the proceedings of the enemy on such occasions, it is not likely that the tower itself suffered much; though the outworks may have been thrown down and destroyed. The above stone, which is now built into a modern archway adjoining the house, may therefore have been placed over the gateway by Andrew Haig as a record of the date when the work of restoration was completed. It bears the initials A.H. and E.M., with the arms of the Haigs and the M'Dougalls—the latter a lion rampant, collared with an antique crown—and the date 1581. He died about 1583, leaving two sons, Robert and Andrew.

Robert, the sixteenth Laird, though in no way

inhabitants of the country of Liddesdale, and other thieves." Two of the thirty-two signatures are given thus in the printed copy of the bond—"ANDW.....; ANDRO KER of ffa....." The latter is no doubt Kerr of Faldonside; it is not improbable that the former is his neighbour Andrew Haig of Bemersyde.—See Pitcairn's *Criminal Trials*, iii. 394-96.

remarkable himself, was the forerunner of a very critical period in the annals of his house.

He married Margaret,<sup>1</sup> daughter of George Kerr of Faldonside, and by her had three

XVI. ROBERT HAIG,  
1583-1602.

sons and one daughter. Of the sons, the two elder, James and William, were destined to play a conspicuous part in the family history; while George, the third son, after spending many years in foreign travel, returned to Bemersyde, and there died unmarried.

From an entry in the Privy Council Records, of date 11th February 1585, we find that caution was given in 2000 merks, by Robert Ker in Maynehouse, George Ker, younger of Faldonside, William Ker, Andrew Ker, Walter Ker his brother, Walter Ker and Robert Ker, brothers of Andrew Ker of Faldonside, Thomas and Robert Ker, sons of the said Robert Ker in the Maynehouse, and John Haistie, younger in Bolden (Bowden), as principals, and Robert Hege (Haig) of Bemersyde as surety, that James Sinclair in Ewingstoun, his servants and tenants, shall be harmless of the said principals, especially in the possession of the lands

<sup>1</sup> The brother of this Margaret, Andrew Kerr of Faldonside, "a tall, thin-made, savage-looking man," was a prominent figure in the public life of his time. He was present at the murder of Riccio, being described by Tytler as one of the most ferocious of the conspirators, having held a pistol to the Queen's breast while the murder was being perpetrated. His second wife was Margaret Stewart, daughter of Lord Ochiltree, the widow of John Knox. His name appears in a curious bond or contract (printed in full in Pitcairn's *Criminal Trials*, iii. 390-94), drawn up in 1564 between the Scotts and Kerrs, "for the mair sure removing, stanching, and away-putting of all inimity, hatrent, and grudge standing and conceivit between the said parties," one of the conditions of peace being that George, eldest son of the said Andrew Kerr, should, when he came of age, marry Janet Scott, a sister of Buccleuch, "tocher-free"—that is, without dowry or marriage-portion; which marriage, however, never took place. This Kerr was also implicated in the Raid of Ruthven in 1582.

and steading of Ewingstoun; Johne Andro subscribing for Robert Ker in the Maynehouse, "because I can not wryt."<sup>1</sup> Robert Haig was not free himself from molestation of a similar kind; George Turnbull of Belses having in 1598 taken part in the "nefarious stealing of sixteen nolt (oxen) from the Laird of Bemersyde," for which, among other offences, he was tried at Edinburgh in 1603, and at the Market Cross of that city had "his richt hand strucken from his airm."<sup>2</sup>

The Bemersyde family in 1592 formed an interesting connection by marriage with their neighbours the Haliburtons of Dryburgh, which marriage was the means of associating the Haigs in after years with a very illustrious name. The bride was Margaret, only daughter of Robert Haig; and the bridegroom, James, eldest son of George Haliburton of Dryburgh. The contract of marriage is dated 20th January, and bears that George Haliburton, with consent of Agnes his spouse, binds and obliges himself betwixt the date hereof and the first of Beltane next to come—that is, the 3d of May following—to infest and sease the said Margaret Haig for all the days of her life in the one-half each of his five-merk land of Mertoun and his lands of Dryburgh, also of the mill thereof, and its multures, knaveship, sucken, etc., with the tower and mansion-house of Dryburgh, excepting the haugh called the Mill-haugh; and in

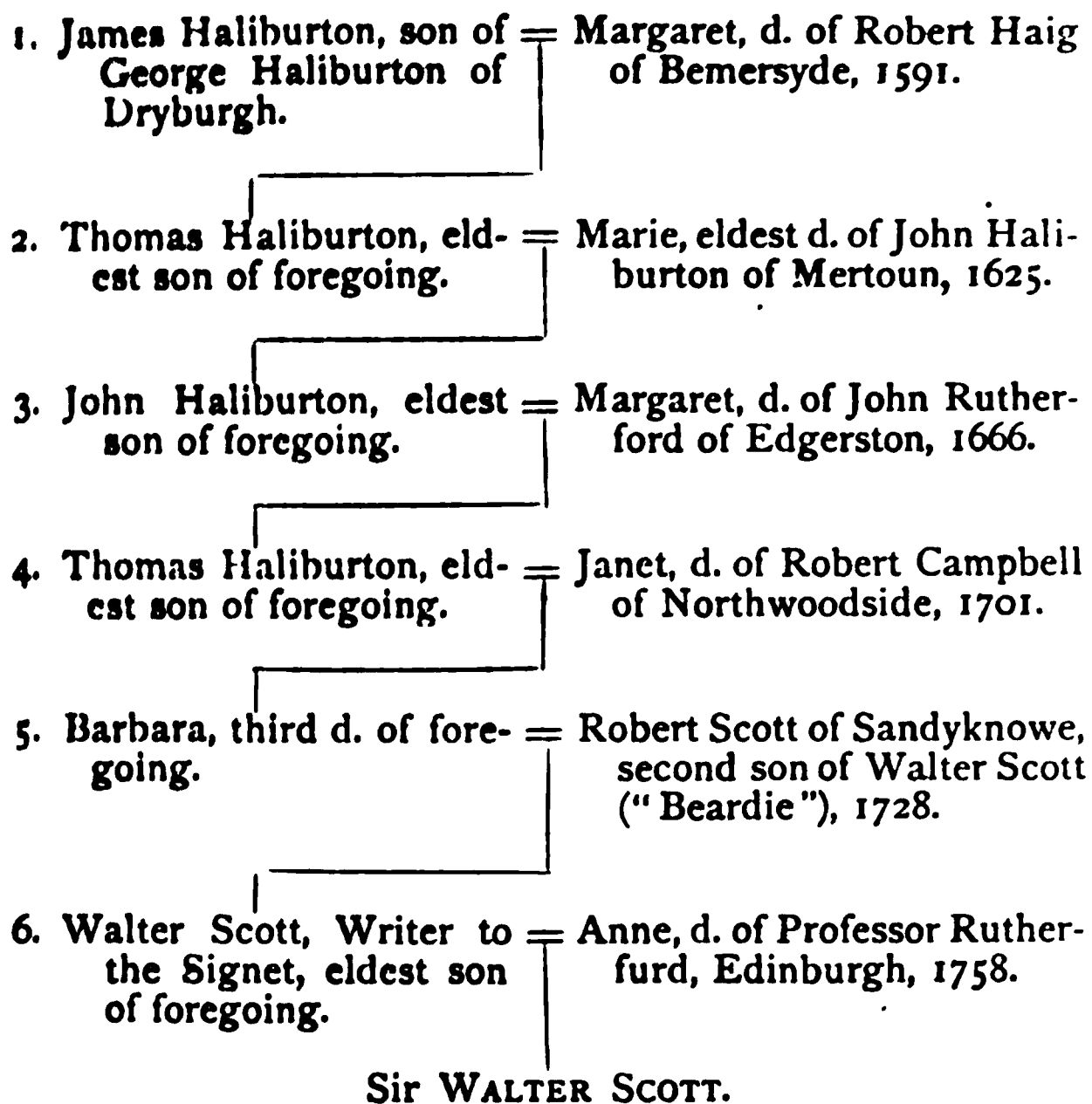
<sup>1</sup> *Register of Privy Council*, iii. 721. For much valuable information as to the different branches of the Border Kerrs, see *The Genealogist*, vols. vii.-viii., and the *Miscellanea Genealogica*, 1877, which contain a series of carefully compiled genealogies on the subject by Mr R. R. Stoddart, Lyon Clerk-Depute, Edinburgh, and author of *Scottish Arms*, 2 vols. (Edinburgh: 1881.)

<sup>2</sup> Pitcairn's *Criminal Trials*, i. 419-21.

the meantime the said George and his spouse bind themselves "after the completion of the marriage to receive in household with them the bride and bridegroom, and to treat and entertain them honestly in their meat and bedding accordingly as they entertain themselves." On the other part, Robert Haig of Bemersyde engages to pay, betwixt and the first of Whitsunday 1595, "in name of tocher good" with the said Margaret his daughter, the sum of 700 merks money; and likewise "thirles" the whole of the corns of the lands of Bemersyde to the mill of Dryburgh, "except the wheat and malt to sustain the said Robert and his foresaids' own house, which shall be ground multure-free, without any kind of duty;" the said corns to be thirled for all time coming, "except it happen the said Robert Haig to big and build ane mill of his own upon his lands of Bemersyde, provided this is not begun during the lifetime of himself, or of his daughter Margaret, or her husband." The witnesses are—John Haliburton, appearand of Muirhouselaw, William Ker, of Bemersyde there, Andrew Haig, "brudder-german" to the said Robert, etc. The bridegroom's mother, Lady Dryburgh, like the Laird of Mainhouse in the above-quoted bond of caution, cannot write, and hence she is noted as signing the contract "with my hand behind the pen, led by the notar-publict."

Of this marriage the eldest son was Thomas Haliburton of Dryburgh and Newmains, the great-grandfather of the wife of Robert Scott of Sandyknowe, grandfather of Sir Walter Scott. This interesting relationship, through which the poet acquired his

burial-place in Dryburgh Abbey, is exhibited in the following chart of pedigree :



Unfortunately this was not the only connection formed between the Haigs and the Haliburtons. In 1600, nine years after the above marriage, Robert Haig, with consent of his son James, borrowed 1800 merks from George Haliburton, by a mortgage on the lands of Over and Nether Mains, and Moriden, portions of the estate of Bemersyde; which transaction, with others, led to much litigation between the families in the following century.

Robert Haig appears to have died about two years after this transaction.

## CHAPTER VI.

1602-16.

A new era in the Bemersyde family—Their remarkable survival—XVII. JAMES HAIG, 1602-1619: his turbulent disposition—Clandestine marriage—Pecuniary difficulties—Dispute as to Loch of Bemersyde—His brother William's education and character—Estates disposed to William—Consequent troubles—William in Lord Yester's service—Implicated in Somerset's fall—James Haig charges William with effecting Prince Henry's death—Letters to the King, James VI.—William apprehended, charged with seeking the King's life—"Statement" by James Haig to the King.

At this point we may be said to enter on a new and distinct era in the history of the Bemersyde family, upon which, from the mass of documents that exist, we are able to throw a stronger and more sustained light than was possible with regard to the more shadowy period of their existence out of which we have thus far followed them. In view of the perilous times through which they lived, and which had been fatal to so many of their greater contemporaries, it is not without a feeling of surprise that, after a tenure of four hundred and fifty years, we behold them in 1600 still in possession of their ancient territory: a feeling that is deepened when, later on, we find that they have coped successfully

with the still more trying vicissitudes, though of a different kind, which they experienced during the century that followed. Throughout the disturbances and revolts of the feudal period, they had held their own with singular tenacity, and survived to witness the extinction of more than one noble house with whom, three or four hundred years before, we find them frequently conjoined. The De Morvilles, De Viponts, De Vescis—the Galloways, the Avenels, the Soulises—had each and all dropped out of the roll of existing families: the two last named, however, to enter in later times on a more enduring memory in the pages of Border story and tradition. Nor do the Haigs appear to have gained immunity from similar disaster by any backwardness to identify themselves with the public movements of their times. On the contrary, both tradition and history agree in ascribing to them their full share of danger. The fifth of the name fought with Wallace at Stirling Bridge. The sixth, while but a youth, did his part under Bruce on the field of Bannockburn, afterwards closing his career in the disastrous engagement of Halidon Hill. The eighth was left stark and stiff with the Douglas “by the braken bush” on the bloody slopes of Otterbourne; and the tenth fell at the Border battle of Piperdean. The twelfth and thirteenth were engaged, though on opposite sides, in the unfortunate affray of Sauchieburn, the latter to fall twenty-five years afterwards on Flodden Field; and the fourteenth distinguished himself at Ancrum Moor—

Where the Douglas true, and the bold Buccleuch,  
'Gainst keen Lord Evers stood.

But the name and possessions which the family had thus succeeded in retaining throughout the wild period when might was right, were all but lost in the less tumultuous times that followed; and this owing partly to the turpitude and folly of some of their representatives, and partly to the political misfortunes and eccentricities of others. The family whose spirit and patriotism had defied misfortune in the fighting days of old, were all but swallowed up and lost in the piping times of peace.

James, the seventeenth representative of the house, was a man of a most turbulent and vindictive temper; and during his possession of the family property almost wrecked it by what must be called his folly and mismanagement,

XVII. JAMES  
HAIG, 1602-  
1619.

if not worse. He married Elizabeth M'Dougall, daughter of the Laird of Stodrig—having indeed run away with her; by which proceeding his father—from whom he probably inherited his passionate nature—was so incensed, that he drew his dagger to stab him. The son, however, saved himself by flight; whereupon his father is said to have “given him his curse, which followed him to his grave.”<sup>1</sup> He is mentioned, in 1616, as having a family of ten children by this marriage, of whom eight are said to have been sons.

He is first referred to in contemporary documents of the year 1604, at which time he would be about thirty-seven years of age. In an abstract of “The Tacks of the Teinds of the Kirks of the Abbacy of Dryburgh,”<sup>2</sup> we find, under the date 4th August 1604, an entry of “ane letter of Tack set to James

<sup>1</sup> *Mylne MS.*

<sup>2</sup> *Liber de Dryburgh*, p. 323.



Haig of Bemersyde, of the teind sheaves of the town and lands of Bemersyde, for nineteen years, entry at Lammas in the same year, paying yearly xxij bolls bear,<sup>1</sup> and fifty bolls oats, or else oatmeal effeirand<sup>2</sup> thereto—viz., ane chalder meal for ilk xxiiij bolls oats, guid and sufficient stuff, to be laid in the girnel,<sup>3</sup> the one half at St Andrew's Day, and the other half at Candlemas; together with threescore thraves<sup>4</sup> straw." There are other entries in the same rolls of a similar kind.<sup>5</sup>

With reference to the mortgage upon the Over and Nether Mains of Bemersyde, granted by his father in 1600 to George Haliburton of Dryburgh in security of 1800 merks borrowed, as already described, we find James Haig in 1606 binding himself to "observe and keep the foresaid contract in its haill heads and clauses," and giving Ralph Erskine<sup>6</sup> as his cautioner.<sup>7</sup> Again, in 1609, he obliges himself to "reiterate and confirm" the above, as also to infest John, the second son of George Haliburton, as "assignee lawfully constitute thereto, in the lands of Nether Mains;" for the performance whereof, Thomas M'Dougall of Stodrig, Bemersyde's father-in-law, and David Pringle of Hownam, are cautioners.<sup>8</sup> These repeated renewals and reiterations of this agreement, point to the conclusion that Haliburton of Dryburgh had, on account of James Haig's

<sup>1</sup> A kind of barley.

<sup>2</sup> Proportional.

<sup>3</sup> Meal-chest.

<sup>4</sup> A *thrief*, or *thrave*, is twenty-four sheaves of corn, or two shocks (*Scottic*, stooks).

<sup>5</sup> *Liber de Dryburgh*, pp. 323, 370, 372.

<sup>6</sup> Erskine of Shielfield, a proprietor in the neighbourhood of Bemersyde. This Erskine was the father of the Rev. Henry Erskine, father of Ebenezer Erskine, founder of the Secession Church.

<sup>7</sup> *Memorials of the Haliburtons* (1877), p. 37.

<sup>8</sup> *Ibid.*, p. 37.

irregularities, been unable to place confidence in him. It is in keeping with this supposition, as well as with the general unscrupulousness of his character, that we should find him "inhibited" in 1609<sup>1</sup> by his brother-in-law, James Haliburton, for having "abstracted the multures"<sup>2</sup> of that year's crop from the mill of Dryburgh, in violation of the terms of his sister's marriage-contract. It is satisfactory, however, to learn that, after "inhibition" had been taken out, the matter, as between the two brothers-in-law, was "accommodat."

But the Loch of Bemersyde formed a still more bitter subject of contention between James Haig and another of his neighbours—namely, Haliburton of Mertoun. The latter laid claim to certain privileges or property over the loch in question, which lies in a hollow pass between the two estates; and this claim James Haig resisted. While the dispute was pending, and evidently by way of provocation, the Laird of Mertoun, accompanied by a friend or follower, one day in going to Cowdenknowes rode across the "rigs" in front of Bemersyde House; which Haig seeing, threatened him with personal chastisement if he came that way back again. Mertoun did so; whereupon Bemersyde sent his son James into the house for his gun. The gun was brought out; and a hasty altercation having taken

<sup>1</sup> *Memorials of the Haliburtons* (1877), p. 37.

<sup>2</sup> The *multure*, or *mouler*, was the quantity retained of the corn ground by the owner of the mill in fee for his work. The term *knave* also occurs in the same connection, being the quantity due to the miller's "knave," or apprentice. When James Haig, therefore, is said to have "abstracted the multures," it means that he had sent his corn to be ground at some other mill, thus depriving Haliburton's mill at Dryburgh of part of its revenues. His brother-in-law therefore "inhibits," or interdicts, him from repeating the offence.

place between them, Haig, in reply to a contemptuous remark of Mertoun's, lodged the contents of the gun in his opponent's body. Mertoun's companion, seeing him fall from his horse, drew his sword, and attacked Bemersyde; but the latter discomfited this antagonist likewise, by a blow from the butt end of his gun. Happily, in neither case were the injuries of a fatal description; and the upshot of the affray was that Bemersyde, with the rude chivalry of the Borders, had himself to undertake the surgery of his two prostrate opponents, and afterwards to send them both home to Mertoun "carried in blankets." This affair, according to Anthony Haig, James's grandson, who gives a very minute and particular account of the quarrel, afterwards led to much dispeace and heart-burning between the families of Bemersyde and Mertoun. Neither did it settle the dispute with regard to the Loch, for the quarrel was not finally disposed of till near the end of the century.

It had been part of the original arrangement come to in 1600 between Robert Haig and George Hali-burton as to the loan of 1800 merks, that the latter should be infest by way of security in the Mains of Bemersyde, and to "possess the samen, ay and whill (till) the lawful redemption thereof" by the repayment of the loan. Hence it may have been from some legal complications arising out of this transaction, that we find James Haig, on 31st May 1609, has himself served heir, not to his father, but to his grandfather (*ave*), Andrew Haig.<sup>1</sup> On the 9th May of the following year, he has also a retour as heir

<sup>1</sup> *Retours*, No. 83.

to his father, Robert Haig.<sup>1</sup> The Haigs would appear to have possessed at this time other lands in the district, as we find from a retour of date 17th December 1617,<sup>2</sup> that James Haig is served heir to his father in the lands of Hissildans, in the barony of Hermandstoune, lordship of Carfrae, and bailiary of Lauderdale, of 10s. taxt value auld extent, and 40s. new extent.

So far James Haig. His brother William, afterwards Crown Solicitor under James VI. and Charles I., was a man of very different temper and aptitudes,<sup>3</sup> and had early set himself to become a scholar and to learn law. For this purpose he had when a young man, as was common among Scottish youths of that time who wished to attain to distinction in civil law, gone to France to study.<sup>4</sup> On his return he was called to the Scottish Bar; and from the character of his transactions with reference to his brother's affairs after 1609, it would seem that he had been successful in his profession, and was thus enabled, by the advance of money and otherwise, to secure to the family the estates which the recklessness of James was now threatening to dissipate.<sup>5</sup> William, as will afterwards appear more fully, was a man of much public spirit, and from so early a period of his life as the Union of 1603, identified himself with the chief political movements of the time.

<sup>1</sup> *Retours*, No. 523.

<sup>2</sup> *Ibid.*, No. 111.

<sup>3</sup> "An ingenious man, and a great benefactor of the family."—*O. H. MS.*

<sup>4</sup> Among William Haig's contemporaries who also studied civil law in France, though at a somewhat later period, was Drummond of Hawthornden, who was abroad for this purpose from 1606 to 1610; and at an earlier period, Mark Duncan, born at Maxpoffle, near Bemersyde, the author of the *Institutio Logica* (1612).

<sup>5</sup> Mylne says that James, before 1613, had almost ruined the estate.—*MS.*

About 1609, the affairs of his brother had evidently reached a crisis; whereupon William stepped in, and measures were taken, if not wholly to relieve James, at least to save intact the family possessions. Accordingly we find a disposition and alienation, of date 9th July 1610, made by James Haig of Bemersyde, with consent of Elizabeth M'Dougall his spouse, of the lands of Bemersyde to his brother William, who receives a charter for the same under the Great Seal on the 16th August following, with the reservation that the lands are to continue to be "holden by the said James."<sup>1</sup> This transaction was apparently carried through by William Haig in security of monies advanced to his brother; as on the following day he took out "letters of inhibition" against James, in order apparently to prevent the latter from alienating the estate. Again, on the 29th January 1611, William obtains a second charter under the Great Seal in confirmation of the above disposition of the lands in his favour; and in October of the year 1613, he receives infestment of the estates under the said charter.

These transactions, unimportant in themselves, are here noticed in order to bring out the Esau-like position into which James's conduct had brought him, and as affording a probable explanation of the motives which actuated the latter in much that afterwards takes place between the brothers.

William Haig, about 1611, and with a view rather to advance his political than his professional pros-


<sup>1</sup> The arms on James Haig's seal, attached to his disposition, are incorrect, having two mullets in the flanks, instead of crescents.—*See infra*, p. 144.

pects, entered the service of John eighth Lord Hay of Yester, who was afterwards raised to the dignity of Earl of Tweeddale. This nobleman had succeeded to the honours of Yester on the death of his father James, the seventh baron, in 1609, and was already giving promise of that activity in public business which afterwards distinguished him in his opposition to the measures by which Charles I. sought to introduce Episcopacy into the Scottish Church. William Haig, who was now in the prime of life, of considerable experience in the law and the politics of Scotland, and whose views on the ecclesiastical questions of the day were in full accordance with those of Lord Yester, was no doubt chosen by the latter on account of his ability as a writer, and his keenness as a politician, to assist him in the steps by which he hoped to rise to a position of prominence in State affairs. On first entering the service of this young nobleman, William Haig accompanied him abroad as his secretary—or “pedant,” as he himself designates his office; in which capacity his services were so much appreciated, that Lord Yester settled upon him a life-pension of 400 merks a-year, to take effect from the time of his first entering on his service.<sup>1</sup> This was probably also bestowed in consideration of the professional emoluments of which Haig would be deprived in thus temporarily quitting the Bar. But the bargain so made does not appear to have been very

<sup>1</sup> Such grants were not unusual down to a much later period. Adam Smith, author of *The Wealth of Nations*, accompanied Henry third Duke of Buccleuch in his travels on the Continent in 1764-66, for which he received from his Grace a bond for a life annuity of £300 till an office of equal value was obtained for him in Britain.

faithfully implemented; as there is a lengthy document of the year 1635, in which William Haig disputes certain claims made by Lord Hay in the matter of some later money transactions which had taken place between them, and in which he refers to his pension as having been in existence for twenty-four years, stating that, of the 9600 merks then due upon it, he had received only 1000 merks "paid before his lordship's marriage," and other 3500 merks paid to two of William's creditors at a later period, leaving 5100 merks still due. William Haig remained on the Continent with Lord Hay until 1613, and was at Rochelle, in France, when news was brought thither, in November 1612, of the death of King James's son Henry, the young and accomplished Prince of Wales; which event was destined to be connected in a very unpleasant way with the next few years of William Haig's history. His infestment in the estate of Bemersyde in October 1613, may serve to indicate to us the period of his return.

About this time, the relationship in which he and his brother stood to each other had become the reverse of friendly. James, either from a proud irritation under that sense of dependence on his younger brother in which their changed positions necessarily placed him, or actuated by the hope of certain advantages which might accrue to him by the death of William, had come to the unnatural determination to effect if possible his brother's ruin or destruction. This unfraternal feeling on the part of James must have been at this time of the most violent character: for he afterwards boasted to his



friends and relations that he had made a journey to London with the express object of killing his brother. James had also been the subject of a criminal prosecution in 1611, as we find some such proceedings referred to in a letter of the Lord Chancellor to the King in 1616, in which his lordship speaks of James Haig as being "defamed" for counterfeiting his Majesty's signet, forging his brother's subscription, and "breaking of his Majesty's ward furth of the Tolbooth of the Canongate," in Edinburgh. The nature of these offences would point to some attempt on the part of James to undo what had been done by him in the transference of the family property from himself to his brother; and as the judicial authorities would no doubt call in the assistance of William Haig to detect the forgeries that had been made, this would naturally add to the unpleasant feeling already springing up betwixt them. In the case of a man of James's passionate and vindictive nature, such a prosecution as that referred to, taken in connection with other supposed injuries at his brother's hand, would act like fuel to the fire of discontent and malevolence already burning within him; and at this time, therefore, we find that he had set himself with the most deliberate purpose to effect his brother's ruin.

His wife, Elizabeth M'Dougall, at an earlier period of her life, had acted as nurse to the Princess Elizabeth, daughter of James VI., who afterwards married the Prince Palatine, and became Queen of Bohemia.<sup>1</sup> In this capacity in the royal household,

<sup>1</sup> *Mylne MS.* This appointment may have been due to the intimacy and relationship of the Bemersyde family with their neighbours of Cowdenknowes;



she had no doubt frequent opportunities of becoming familiar with those weaknesses and peculiarities of his Majesty's character which have since become historical: his extravagant ideas of kingcraft, his impatience of criticism, his fear of secret enemies, and his superstitious belief in witchcraft, necromancy, astrology, and the occult sciences generally. By means of his wife, James Haig would also become aware of these traits in the King's character; and hence proposed to himself to take advantage of them in bringing about the base and unfraternal object he now had in view. Moreover, the peculiar circumstances of the English Court in 1615, and the unpleasant relation in which his brother William stood towards the King, were such as to favour the guilty project which James Haig entertained.

The opportunity for which he sought was shortly brought about. For some years the favourite of the King—for James had always favourites of one kind or another—had been Robert Kerr, or Carre, Earl of Somerset. He was of a notable Border family, being the fifth son of Sir Thomas Kerr of Ferniehirst; and remarkable for his beauty of person and grace of demeanour. After some time spent in foreign travel, he arrived in London, with letters of recommendation to his cousin, James seventh Lord Yester. This nobleman at once took him under his

Beatrix, eighth daughter of the first Earl of Gowrie, and wife of Home of Cowdenknowes, being Lady of the Bedchamber, and on terms of the strictest intimacy and friendship with the Queen.—Pitcairn's *Criminal Trials*, ii. 297. James and his Queen appear to have had a liking for Border people, as Jane Drummond, Countess of Roxburghe, was selected as the governess of their children.

patronage, as seeing in him those external qualities which in a young man never failed to captivate the King, who loved, as Weldon tells us, "young faces and smooth chins." To a man of any political ambition in those days, the sure way to rise into importance at the Court was to have a friend who could speak as a favourite in the royal ear. Yester therefore proceeded to take means to draw the King's attention to his handsome relative. In this, accident assisted his designs, and Carre almost immediately rose into favour with his Majesty, who, after sundry other honours, created him, in 1611, Viscount Rochester.<sup>1</sup> Again, on the occasion of his marriage in 1613 with Lady Frances Howard, a daughter of the house of Suffolk, and the divorced wife of the Earl of Essex—a beautiful woman, but of doubtful character<sup>2</sup>—the King raised him to the further dignity of Earl of Somerset. At this point

<sup>1</sup> Sir Anthony Weldon, in his gossip pages, says that Carre, on his return from his travels, was "a gentleman very handsome and well bred, and one that was observed to spend his time in serious studies, and did accompany himself with none but men of such eminencies as by whom he might be bettered. This gentleman the Scots so wrought it that they got him into Groom's place of the Bedchamber, and was very well pleasing to all." The King's attention to Carre shortly made it manifest that he was "now actually a favourite." Previous to this time the English lords, says the same writer, were coveting the introduction to the King of an English favourite, "and to that end the Countess of Suffolk did look out choice young men, whom she daily curled, and perfumed their breaths;" but on the rise of Carre, the lords did leave all hope, and the Countess her curling and perfuming, "all adoring this rising sun, every man striving to invest himself into this man's favour."—*The Court and Character of K. James* (1689), pp. 62, 64.

<sup>2</sup> Lady Frances Howard is spoken of by Weldon as a very notorious woman, and as having been set by the Earl of Northampton, her grand-uncle, to entrap the affections of Carre, even while she was the wife of Essex, in order to bring about the favourite's ruin. After her divorce from her husband, she was married to the favourite; for which marriage, says Weldon, "the whole family of Suffolk paid dear in after time, and had sour sauce to the sweet meat of their great son-in-law."—*Ibid.*, pp. 66-68, 81.

fortune began to reverse the wheel, and the downward revolutions were rapid and decisive. Previous to Somerset's marriage, his friend, Sir Thomas Overbury, had used every effort to dissuade him from taking that step, though apparently not averse to encouraging otherwise his amours with the fair Essex. Consequently, the Countess took deadly umbrage against Sir Thomas, and devised a diabolical scheme for poisoning him; which scheme was, unfortunately, successful. This took place in 1613. Shortly thereafter, Somerset lost favour with the King, having been supplanted in his good graces by George Villiers, afterwards Duke of Buckingham.<sup>1</sup> The discovery and punishment, in 1615, of certain of those who were engaged in, or accessory to, the murder of Sir Thomas Overbury, and the publicity which was thus given to the Countess of Somerset's share in the matter, completed the disgrace of her husband, who was thereupon, along with his wife, committed to the

<sup>1</sup> The account which the Court gossip, already quoted from, gives of the King's final separation from Somerset after his downfall had been decided upon, is sufficiently characteristic. "The King," he says, "took his farewell for a time from London, and was accompanied with Somerset to Royston, where no sooner he brought him but instantly [Somerset] took leave, little imagining what viper lay amongst the herbs. Nor must I forget to let you know how perfect the King was in the art of dissimulation, or to give it his own phrase, Kingcraft. The Earl of Somerset never parted from him with more seeming affection [on the part of the King] than at this time, when he knew Somerset should never see him more. And had you seen that seeming affection, as the Author himself did, you would rather have believed he was in his rising than setting. The Earl, when he kissed his hand, the King hung about his neck slabbering his cheeks, saying, 'For God's sake, when shall I see thee again? On my soul, I shall neither eat nor sleep until you come again.' The Earl told him, on Monday (this being on the Friday). 'For God's sake, let me,' said the King; 'shall I—shall I?'—then lolled about his neck; then—'For God's sake, give thy Lady this kiss for me.' In the same manner at the stairs head, at the middle of the stairs, and at the stairs foot. The Earl was not in his coach when the King used these very words—'I shall never see his face more.'"—*Ibid.*, pp. 101-3.

Tower. In addition, the rumours which had been current at the time of Prince Henry's death, in 1612, to the effect that he had been foully dealt by—had, in short, been poisoned—were now revived by the revelations made in the course of the above trials; and with these revived suspicions the name of Somerset was again connected as the instigator of the murder of the King's son. It was known that the Prince had disliked the Suffolk family, and was not friendly with Somerset; which circumstances were sufficient in those times to constitute a motive for the crime. The combined effect of all this was to render Somerset's fall as thorough as possible.

Still, it happened with the fallen favourite—as happens with most people, let them be as bad or unfortunate as they may—that in his fall he had yet some friends who adhered to him; and among these was William Haig. Nor did he keep his friendship for Somerset a secret, or even refrain from putting blame upon the King in connection with the favourite's downfall.<sup>1</sup> Besides, William Haig had what is always a dangerous possession in perilous times—namely, a weakness for putting his opinions on paper: and an elegant and expert literary faculty he had. He had begun this practice early. In

<sup>1</sup> Somerset appears to have been not unworthy of the attachment of William Haig, Lord Yester, and others, who adhered to him in the time of his misfortunes. His fall is evidently traceable to his imprudent marriage into the Suffolk family. "Surely," says Weldon, "he was the most unfortunate man in that marriage, being as generally beloved for himself and his disposition, as hated afterwards for his linking himself in that family; for in all the time of this man's favour, before this marriage, he did nothing obnoxious to the State, or any base thing for his private gain. . . . He was naturally of a noble disposition, and it may be justly said of him that never could be said of any before, or ever will be of any after him: He never got suit for himself or friends that was burdensome to the Commonwealth."—*Ibid.*, pp. 81, 82, 86.

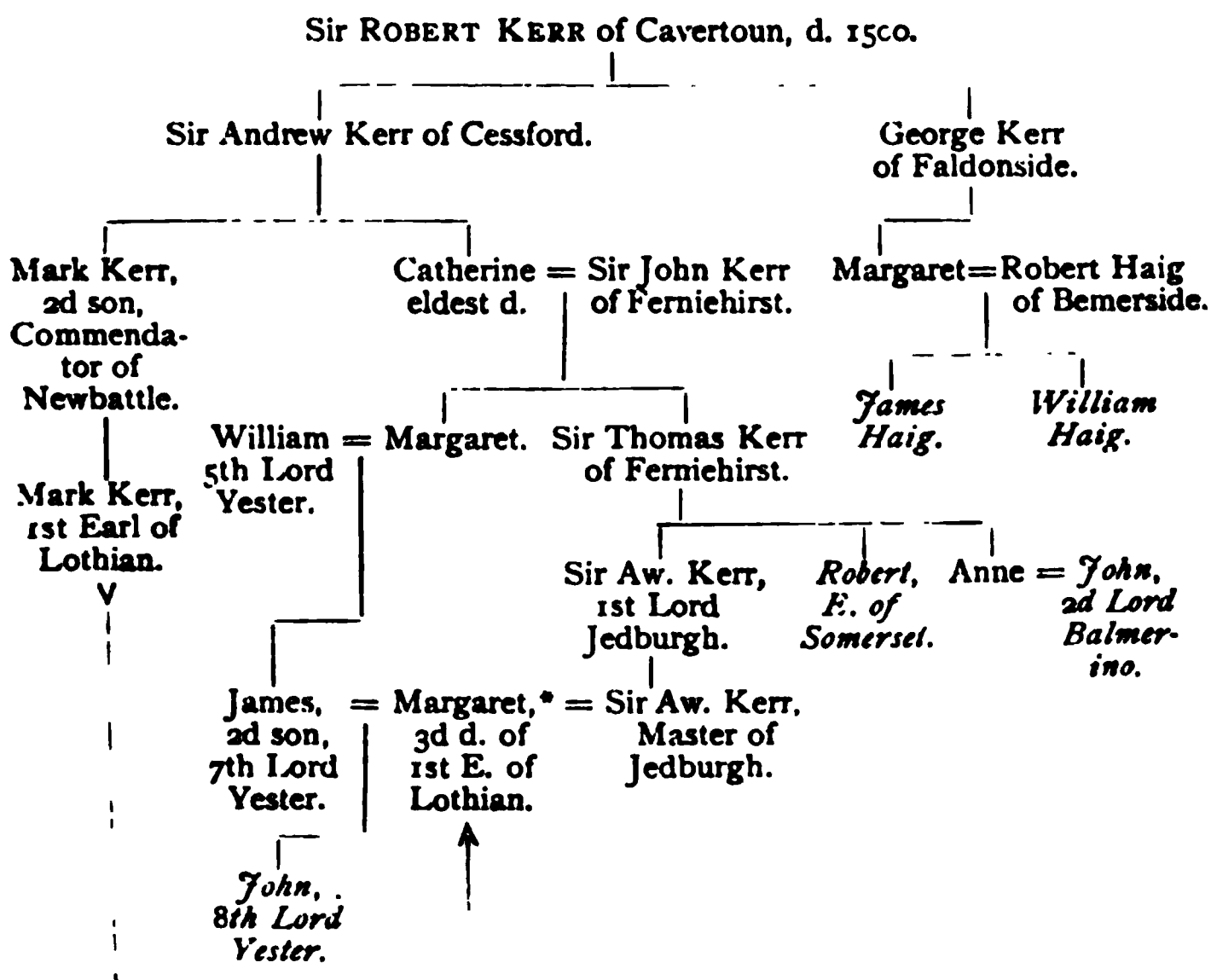
1603, he wrote a treatise on King James's title to Gueldres and Zutphen, which treatise happily ran with the King's humour on the subject; though his Majesty was afterwards compelled to smother his own opinions, and join with the King of France in supporting the States-General. In 1607, again, Haig wrote a paper on the Union of the Crowns—this also in the line of the King's views; a copy of which Lord Erskine at the time presented to his Majesty. This was so far well: but in October 1615, after the downfall of Somerset, he had the hardihood—out of “Scots kindness,” as he afterwards explains to the King, which kindness, he adds, is “ever ready to a friend, but oft inconsiderate”—to write a “discourse” in favour of the disgraced nobleman; and this discourse, being in Somerset's favour, could hardly be flattering to the King.<sup>1</sup>

Unfortunate for William Haig as all this was, it did not quite fill up the measure of unhappy coincidences of which his brother was so soon to take

<sup>1</sup> The “Scots kindness” here cited may have been intended to carry a deeper significance to the mind of the King than that arising merely from William Haig's friendship and common nationality with Somerset. The Kerrs of Ferniehirst, from whom this nobleman was descended, had suffered much, as the King knew, from their attachment to the service of his mother in the time of the troubles in Scotland; and with this same house both William Haig and the nobleman in whose service he was, John Lord Yester, were connected by descent—Lord Yester's father, who first took Somerset by the hand on his coming to London, being, as already stated, this nobleman's full cousin. Another name with which William Haig's was destined, seventeen years afterwards, to be almost fatally mixed up—namely, that of John second Lord Balmerino—was also connected with the pedigree of this group. It is a most curious case of circular descent, and the following chart may bring it out more clearly than any other form of explanation; as showing that Sir Robert Kerr of Cavertoun, eldest son of Walter Kerr of Cessford, was the great-grandfather of James and William Haig, the great-great-grandfather of the Earl of Somerset, of his sister Lady Balmerino, of James Lord Yester, and of Margaret Lady

advantage. Besides being a pamphleteer—and in the latest instance of his skill not on the side of the King—it was also alleged that he was an astrologer. All the learned men of that period affected more or less this vain science, even as late as the time of the poet Dryden, who was a professed believer in it. Astrology, also, was precisely one of those mysterious sciences regarding which the King was morbidly credulous: and James Haig had come to know this. Accordingly, the latter, being in London in the spring of 1616, found means of lodging an information with the King against his brother, to the effect that the latter had not only

Yester, as also the great-great-great-grandfather of the Master of Jedburgh, Lady Yester's second husband, and nephew of Somerset:—



\* The name of this Margaret Kerr, Lady Yester, who died 15th March 1647, aged 75, is remembered in Edinburgh in connection with a religious endowment which she founded there, still known as "Lady Yester's Church."

prognosticated and brought about by astrology the death of Prince Henry, but that there had also been seen in his possession a special "horoscope" bearing fatally upon the life of the King himself.<sup>1</sup>

This was matter of treason to be inquired into. Had King James still been in Scotland, the old diabolical statute anent "leasing-making" might have sufficed for William Haig's destruction with but little ceremony; but it fortunately so happened that there was no such convenient statute on the law-books of England, and hence the cumbrous forms of legal probation had to be resorted to.

In making these formidable charges against his brother, James Haig appears to have put them forward at first in a kind of tentative way, and through the medium of a letter conveyed by a third party to the King's hand, and containing, as part of the accusations made, a copy of certain Latin verses which he alleges to have been directed by his brother against the King. They had reference to Somerset's downfall, and are among the other State papers bearing upon the case of James Haig and his brother, preserved in the Advocates' Library, Edinburgh.<sup>2</sup> The verses are not in the handwriting of either James or William Haig, but have been copied by

<sup>1</sup> That the Prince's death was actually brought about by astrology was matter of common currency and belief. Weldon says the death of Prince Henry "was foretold by one Bruce, a most famous astrologer of the Scottish nation, for which the Earl of Salisbury, a great statesman, caused him to be banished; who left this farewell with the Earl, that it should be too, too true, yet his lordship should not live to see it: the Earl dying in May, the Prince in November following, to the infinite grief of all the kingdom."—P. 85. Astrology was then, and throughout the seventeenth century, in much repute; Dr Napier being in King James's time its chief exponent in England, as was afterwards Napier's pupil William Lilly.

<sup>2</sup> *Ante*, p. 13.

a third party in a clear, legible hand, on a single sheet of paper, which is docketed on the back in the same hand—"Epigram sent by Bemersyde." They are as follows :

Rex Jacobe tibi karo quis charior uno,  
Aut Regi Clito charior ante suo?  
Quin cecidere ambo magno at discrimine casus,  
Ille sua culpa corruit, iste tua.

The verses, which evidently contain, in the first line, a pun upon the name Kerr, or Carre, may be rendered thus :

O King James! who is dearer than one dear to thee? or dearer than Clitus to his King of old? Though both have fallen, yet by a great diversity of fate—the one by his own fault, the other by thine.

Whatever its literary defects, the epigram was intended, by its pointed ascription of blame in Somerset's case, to offend the King; which offence would be the more readily taken, seeing that the verses were alleged to be the production of one who had already published a pamphlet in defence of Somerset. William Haig afterwards contemptuously denies the authorship of the verses; but in the meantime, the communication of them to the King afforded his brother the opportunity which he sought, to advance certain other and still graver charges. No sooner, therefore, does James Haig ascertain that the letter containing the epigram has reached the King's hand, than he professes to be compelled by feelings of pure loyalty, and even at the cost of his brotherly affection, to come forward, and not only to substantiate its authorship, but to make cer-



tain other and still more serious allegations against his brother. This he does in a long and rambling, yet sufficiently interesting "Statement," apparently intended for, though not addressed to, his Majesty in person; one of the consequences thereof being, that William Haig was immediately apprehended.

The "Statement" is the production of an acute and subtle-minded man, scrupulous only as to what may injuriously affect himself, and hence studiously guarded as to how he approaches the subject of his allegations against his brother. He is over-anxious, almost to ostentation, to make it appear that he does not prefer these accusations from any ill-feeling which he may harbour against his brother, but solely out of his extraordinary devotion and loyalty to "the King's Majesty," whom he professes to esteem "*sibber* [that is, more nearly related to him] than all the brothers and sons he has in the world." This was a politic avowal, knowing as he did the very high conceptions entertained by the King of the duty which subjects owe to a sovereign. Yet it cannot fail to strike the reader of the "Statement," amid all its protestations to the contrary, that the writer's feelings are of anything but a brotherly nature, and that beneath his assumed pietism there lurks a very palpable spirit of hatred, especially in the belief which he expresses that God will "punish his brother's person visibly, if for nothing else than his wrongful doings, known to the world, committed against me and my ten children." The "Statement" is undated, but must have been written towards the end of April 1616: it being on the 9th of that month that James visited his brother at his

chambers in London, as therein referred to ; while St. George's Day, the 23d of April, is spoken of as past at the time of writing.

*Statement by Bemersyde as to the charges against  
his Brother.*

Coming to London about the auchteen of March, I gat sure intelligence of the letter presentit indirectly to His Majesty at Wystone, upon the whilk assurance I spak Mr Mald to apprehend my brother, the penner thereof, and shew him ane copy thereafter shortly, some two or three days either after or before Sir John Grahame's burial, at whilk time the King's Majesty had begun his progress to Thetford Park and Newmarket.

My brother and I entering in some terms of our own particulars, [he] did invite me to his chamber to see some writs which was unperfectit, and directit from Scotland by Fadonsyd with the Laird of Whitehill<sup>1</sup> (who came up with the Lord Chancellor), who desirit my brother to subscribe these writs before him.—But I omit this subject, as unworthy to be written of in so heavy ane matter as now I go about, saving this as the instrument that<sup>2</sup> I came to the knowledge of ane greater light ; for, in looking out of these writs, it was my hap to chance upon ane commentar written by my brother's own hand, containing three sheets of paper, of his Majesty's horoscope. For he desirit me to look over the biggest writs (for Fadonsyd's contract was large two sheets of paper); and so, following his own desire, I think it was God, who has ever had care of his Majesty's person, brought this, unlookit for, to my hands. The former letter<sup>3</sup> come as miraculously to me likewise, so that I must attribute it to God, who I am sure, must punish his person visibly, gif<sup>4</sup> for nothing else but his manifest wrongs, known

<sup>1</sup> These are evidently Sir Walter Kerr of Faldonside (the cousin of James and William Haig), and David Preston of Whitehill, who were at this time bondholders over the estate of Bemersyde ; and the "writs" above referred to, requiring William's signature, were doubtless connected with the pecuniary transactions between the parties.

<sup>2</sup> By which.

<sup>3</sup> Probably the Latin verses already given.

<sup>4</sup> If.

to the world, committed against me and [my] ten children. Yet again I omit this.

As to the words of the horoscope, and the effect of the commentar made thereupon, I have deliverit (according to my simple judgment) to his Majesty already, whilk gif he [William] deny, I am ready to hazard my life in that cause. Now, having the same in my hands, I did ask him what it might signify, for I perceivit that it was all his writ (and by the wording of ane part I perceivit the same somewhat invective). His answer was (with putting forth his hand to take it from me), that it was over high meat for my weak stomach to digest. These words made me far more curious and careful to understand than before. He, seeing me so importunate, plainly declarit unto me that it was the King's Majesty's horoscope, whilk he come by in France at the hands of ane Master William Hart, teacher of ane university, whom-with he enterit in so entire friendship that he requestit this Mr Hart to make choice of such men as might bring him [Hart] in credit with Prince Henry, of famous memory, and especially of such and such men. But Mr Hart answerit, He likit weil his advice in the choice of these men of credit but he did fear Prince Henry. The other admiring of<sup>1</sup> so strange ane answer, askit Mr Hart wherefore he feared him. His answer was, that there was great appearance of his death that same year, and gif he did pass over that year (whereof he saw little appearance), he was likely to prove ane Prince of as generous ane mind as ever Britain brought forth: always, whatever was expectit of Prince Henry by his insight, would be effectuat in Prince Charles; therefore he would be glad of means that would make him friendship with Prince Charles. As for the King's Majesty, he thought his glass was almost run. To be short, and bring [to an end] this French discourse, within some few days after, he [William] found by experience the truth of his [Hart's] words in the death of Prince Henry, whilk made him ponder more narrowly the rest of his words.

Now, [William] coming in England with his master, and

<sup>1</sup> Wondering at.

in process of time finding such an alteration as was far disagreeable<sup>1</sup> to his nature, and that he altogether dispairit of his expectation,—immediately after the committing of my Lord Somerset he pennit that letter casten down at Wystone. The effect, as he says, was to show his Majesty his errors, and what was likely to fall out by the loss of such a man, who was sometime in such great grace with his Majesty; but finding the King's Majesty not only led by ane faction, all professit enemies to the Earl of Somerset, but head of the faction himself, he had taken occasion thereby to pen ane commentar upon this horoscope, the effect whereof I have given his Majesty in writ. I askit him what it was able to work, doing it of himself alone. His answer was, "By our Lady, nought; for the best spirits in England has laid the burden of it upon me, as being best acquaintit with the abuse of the King's dominions, whilk within six month sall come publicly to light." Further, he took ane memorandum, whilk I saw, under ane English character and hand, to help his memory; but he said it was unnecessary, for he knew the grieves<sup>2</sup> of England as well as [if] he had been ane native born, and gif they pleasit not<sup>3</sup> his wark when they saw it, he should correct it at their own desires—but what they are, God and he knows.

Then says I, "Brother, whether is this treason or not?" He answerit, "That can it not be, for there can be no treason to reform ane commonwealth." I askit him, "Is [it] not treason to mell<sup>4</sup> with the King's Majesty's person?" His answer—"With his blood to mell, I grant it, is treason. But I would not," says he, "be upon that counsel for all the world. But to punish him a little for the reformation, weal, and commodity of ane commonwealth, till God give his Majesty a sight of his errors, cannot be countit treason, but guid offices." To be short, I was no scholar to sustain ane argument against him, but thus ways leaves him. And gif my memory serve me, within some two days he took journey with his master towards Newmarket.

<sup>1</sup> Far from agreeable.<sup>2</sup> Grievances.<sup>3</sup> Were not pleased with.<sup>4</sup> Old French, *mesler*, to intermeddle or interfere.

In the meantime, I restit restless <sup>1</sup> in my conscience, night and day, doubting what I sould do, having no witnesses but myself. And seeing that his trunks were ready to remove to Scotland wherein these writs was, I took occasion, after deliberation, to write to Sir James Home of Eccles, being at Newmarket for the time, the tenor whereof follows, at least the substance according to my memory :

“Right honourable Sir,—I am frustrat of money, so that I cannot come to Newmarket myself. I would not have thought that Mr John sould have used me so hardly, seeing the business I have in hand makes as weil for your brother and him as any men else. Always, I will request you to speak Master Mald to take my brother presently, for there is three trunks embarkit to go away, but I think they sall not remove this three days, within the whilk time I would have them seizit upon. For I dare take upon me to make him as odious as any that ever was counsel to the Powder Treason,<sup>2</sup> or else I sall be content to quit the life. So daily expecting from you, I rest,” etc.

This is the just copy, at least the substance of the letter I wrote to Sir James Home, whilk I could not get convoyed but in my Lord Yester’s company ; wherefore I desirit Mr Thomas Ker to request Mr John Drummond to deliver this letter above-written to Sir James in his name, the whilk in my own sight he willingly receivit, and promisit to deliver it him out of his own hand. Always, by what means I know not, but my brother gets the letter undeliverit, and, as I think, upon some suspicion, carrying with him ane guilty conscience in respect of the purpose above-written, breaks up the letter, whilk was no gentlemanly form, whilk, gif it had bene gotten, and my advice therein followit, would have made all this business clear. And I think they sould be taskit for breaking up of that letter ; for, questionless, they have had evil minds with them ; and I know some of the best sort that has had it sin syne. In the meantime, my prother is committit, and grants the first letter whereof he was accusit ; but I could have given the

<sup>1</sup> Remained restless.

<sup>2</sup> Privy to the Gunpowder Plot.

first by witnesses, but the last was the matter wherefore I desir it so earnestly to have the coffers broken. But I hope God sall not suffer him deny the last more nor the first. After this, at the King's return, I come to Master Mald immediately, and shew him that I had ane secret business to impart to his Majesty of greater importance. nor the letter—(this was upon the Sunday before Saint George's day); wherefore I was desirous of conference of his Majesty's self, whilk could not be had in respect of the time.

But to conclude, I sall write his Majesty to Thetford, where I wrote to his Majesty the very truth, whilk my eyes saw and was witnesses; and my hands, gif his Majesty will permit, sall give proof of it. For, let the world say of me what they please, I esteem the King's Majesty sibber<sup>1</sup> to me nor all the brother and sons I have in the world. And I will avow him but ane traitor himself that knows any harm to come to his Majesty, an it were his own son, [and] he revealit it not.

Now, this within and above-written is the very simple truth, as the Lord God lives, who knows the secret of all hearts.

JAMES HAIG.<sup>2</sup>

Notwithstanding its verbal involutions and entanglements, the tenor of the above letter is sufficiently clear. The writer states that as soon as he received "sure intelligence" of the letter containing the Latin epigram having reached his Majesty's hand, he lost not a moment in endeavouring to have his brother apprehended; though in this he was not at first successful. He goes on to explain—with many affected expressions of astonishment that Providence should have so "miraculously" made him its instrument in detecting his brother's designs against the King—how he came to acquire his professedly

<sup>1</sup> *Sib*, near of kin, consanguineous; related by blood, or the ties of affection.

<sup>2</sup> Original MS. in Advocates' Library, Edinburgh—"Staitie Business for the Yeire 1616, Reg. Jacobo 6" (*Denmilne Collection*, No. 33-1-1, vol. vii.)

exclusive knowledge of that which he was about to narrate. This knowledge he had come by accidentally while in his brother's rooms, where he had had a paper in his hand of which he had already given some account to his Majesty. This paper, he says, was snatched out of his hand by William, who alleged as his reason for so doing, that "it was too high meat for his (James's) stomach to digest." But the latter being importunate, William at length confesses that the paper in question was his Majesty's "horoscope," which he had received in France from one Hart, an astrologer of extraordinary powers of necromancy, who had prognosticated to him the death of Prince Henry, and which had taken place as predicted. But James takes care to indicate his belief that William did not get the magical paper from Hart, but that, on the contrary, it was his own manufacture, seeing that both the horoscope and the commentary thereon were in William's own handwriting. He also represents his brother as having further offered his services to the French necromancer to bring him into favour with Prince Henry and other great ones in England; whereupon Hart had said that the Prince could be of no use to him, as he was likely to die within the year; but whatever of promise was found in Prince Henry, would be found in an equal degree in Prince Charles. "*As for the King's Majesty, he thought his glass was almost run.*"

This was a dexterous touch. We can imagine the nervous horror of the superstitious monarch as these words were read to him: his agitated countenance, his trembling limbs, his stuttering expres-

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sions of mingled rage and terror. For a king who was so fond of listening to the silly inventions and lies of old witch-wives while under examination, that he had a recess specially fitted up in which he could hear them without being seen, this information was surely food to his liking, always excepting that portion of it which referred so unpleasantly to himself. And even this portion, as the writer no doubt designed, would but serve further to excite his prying curiosity as to the whole story: hence the degree of personal interest which we find him taking in the subsequent proceedings relating thereto.

After representing his brother as expatiating on the marvellous occult powers of Hart, and on the burden which "the best spirits in England" had laid upon himself in the matter, "as being best acquainted with the abuses of the kingdom," James Haig proceeds to relate the conversation that ensued. He asked his brother, if this was not treason? "No," says William in effect, "it is not treason. It is treason to meddle with the King's blood; but to give his Majesty a sight of his errors, with a view to the better governing of the commonwealth, is not treason." This again most nearly touches his Majesty. Was good government not one of those things which he understood better than any man living, ruler or ruled? And had he not himself written a famous and learned treatise on the weighty "mystery" of kingcraft? Yet here was a Scotch lawyer from the Merse—one of that class of country gentlemen who (as the King puts it in one of his own "pleasant conceits") at home looked large, like ships in a river, but in London, like ships at sea, looked as



nothing—who dared to speak of the necessity of instructing him in that craft of which he had long been the acknowledged master in all Europe! A more patient man than his Majesty might have been angry. In conclusion, the writer tells the King of the wrestlings of conscience under which he suffered from the possession of the guilty knowledge acquired thus accidentally, or as he prefers to describe it, providentially: inferring a terrible conflict in his mind between his affection for his brother, and his loyalty to his King. But the latter feeling at length prevails, and he at once consoles himself and flatters the King with the plea that not even a brother should stand between him and loyalty: seeing that his Majesty is “*sibber* to him than all the brothers and sons he has in the world.”

So far, James Haig had played his part with consummate skill. Or rather, like a master in dramatic effects, he had so arranged his opening scene as at once to rivet the attention of his auditors, and excite their expectations as to what might follow. Whether tragedy or comedy, we shall see.



SEAL OF JAMES HAIG, 1610.

## CHAPTER VII.

1616-32.

The King orders an inquiry into the allegations of James Haig against his brother—James apprehended—Writes to the King, desiring to be confronted with his brother—Both brothers sent down to Scotland, and confined in the Tolbooth of Edinburgh—Depositions before the Lord Chancellor—Maintenance allowed to James Haig while in prison—William obtains permission to write a state of his case to the King—His letter to his Majesty—Further depositions before the Lords—James challenges his brother to trial by combat—The result of the inquiry—James departs abroad, and there dies—A period of family troubles—William Haig resigns estates to his nephew—XVIII. ANDREW HAIG, 1620-27 ; his conditional possession of the family property—His brothers Robert and James leave Bemersyde—Straitened circumstances of family—Harassment by creditors—Death of Andrew—William Haig resumes possession of the estates—Dispersion of family.

As was to be expected from one of the King's peculiar temperament, no time was lost in setting on foot an inquiry into the mysterious charges formulated by James Haig against his brother. Sir George Hay, afterwards Earl of Kinnoul, and who had been appointed Scottish Lord Clerk-Register on the 20th March preceding, was in London at the time of the occurrences which have just been narrated, and was commanded to prosecute the investigation which his Majesty thought necessary.

On the 2d of May Sir George received his instructions ; and on the same day he addressed a letter to the King, who at this time held Court at Theobald's, in Hertfordshire, stating that he had at once caused inquiry to be made concerning Thomas Kerr (referred to in James Haig's "Statement," and suspected of being an accomplice), and had learned that he left London two days before to go to Court. "If he be not found there," says the writer, "it is likely that he pretended Court, and meant over-sea ; and if so, to eschew trial." James Haig had left London before Kerr ; but one of Sir George's own servants had assured him that, since Haig's departure, he had delivered a letter to Kerr from Haig. As regards the "pasquil," or copy of Latin verses which had been sent to the King, the Clerk-Register had been informed by Haig that it was written by the said Thomas Kerr. The letter also refers to another gentleman of the name of Kerr, who had in some measure become mixed up with the affair—namely, Sir Robert Kerr, subsequently Lord Ancrum, cousin to the unfortunate Somerset, and known in his time as a poet and man of letters. Sir Robert had been examined by the Lord Chancellor and the Attorney-General as to what he knew of the matter, and had made some confession to them ; but in respect to certain points he had been reserved, and latterly had appealed to the King. Sir George had since spoken with him on the subject, and had received a partial explanation of the ambiguous answers he had made. He had also craved Sir George's advice, which, says the latter, "if he hath followed, I doubt

not but ere this he hath given to your Majesty all the light he can." If he has not, however, done as advised, and "if he be yet uncertain and reserved," then, says Sir George, "I leave it to your Highness to determine or not a delay with him till my coming to Court on Sunday." And he winds up his letter with one of those stereotyped flattering ascriptions which James's courtiers appear to have considered indispensable in addressing themselves to him: "So praying to God of His great mercy lang to continue the happiness of this kingdom, that is, of your Majesty's most precious life, I rest," etc. Finally, he adds a postscript, in which he again refers to Thomas Kerr, and suggests a lawyer-like trick to entrap the wily Scot, should he be found at Court. "Sir," says the postscript, "it may perhaps move Kerr to a clear confession, if he be made to think that the letter which my man delivered to him was opened by me, and that I made the tenor thereof known to your Majesty." Whether his Majesty had the opportunity of testing the efficacy of this artifice is not mentioned. The probability was that Kerr knew too well what kind of reception he might expect at Court, and had really, as before suggested, only "pretended Court, and meant over-sea."

We hear nothing more of the business for the next twelve days, though in the meantime things had not been allowed to stand still. So far as the investigation had gone, it was not so favourable to James Haig as he may have anticipated; for in the course of these twelve days he also had been apprehended. Consequently, on the 14th, we find him addressing a letter to the King, in which he states that he has

been in custody in a constable's house since the previous Thursday morning; having been committed at the instance of Sir William Alexander—another well-known poet of the time, better known to us by his subsequent title of Earl of Stirling, and who was then Gentleman-Usher of the Presence to Prince Charles. Possibly, as a literary man, he sympathised with William Haig, and thus made himself the instrument of James's detention till the matter could be thoroughly sifted. The prisoner, on his part, was equally desirous of securing the King's interest.

*To the King's most Excellent Majesty, these.*

IT WILL PLEASE YOUR MOST EXCELLENT MAJESTY,—That I have been committit by Sir William Alexander since Thursday at morn, in ane constable's house. Sir, it is my only desire to be confrontit with my brother; but I could have wishit us confrontit before your Majesty, rather than any other; but your Majesty's will sall be to me ane law. I have deliverit under my own hand-writ by what means I come to the knowledge of that whilk I did manifest to your Majesty, with time and place, and the haill discourse that was betwixt us,<sup>1</sup> except some things whilk is more requisit be impart to your Majesty alone nor to be set down in writ.

Sir, I put no question to let your Majesty see ane direct course how to come to the trial thereof in this country, for I think it is ane thing unfeignedly that God will have revealit; for I have gotten some farther light nor I had, whilk, gif it please your Majesty to send for Sir William Alexander and me, your Majesty sall be acquaint with it. And desire Sir William to bring the process with him that I gave him. Your Majesty is sibber to me, or to any honest man that has the fear of God in his heart, nor all the kin and friends they or I has in the world.

<sup>1</sup> That is, his brother and himself.

Sir, I beseech your sacred Majesty to let me direct to the Earl of Mar,<sup>1</sup> and that his lordship be present whensoever we are confrontit. Next, I beseech your Majesty, let me have ane warrant that no other thing be laid to my charge but your Majesty's service; and gif I shrink fra that, let me die the shamefullest death can be devisit. Sir, let us have word to meet your sacred Majesty at Tybolls,<sup>2</sup> whereat I hope to give you great contentment. To the whilk time praying continually for the increase and multiplying of God's blessings upon you, I rest,

*Yours most humble and obedient servant*  
*James Haig*  
*London the 10th of May*

The weakness of James Haig in this letter is, that he protests too much. He desires to be confronted with his brother in his Majesty's presence; and by way of further exciting the royal curiosity, states that, in addition to what he has already communicated to the King, there are still some things which it is more requisite should be imparted to his Majesty's ear than set down in writing. He again reminds the King how much *sibber* his Majesty is to him than are his own kin and friends—though

<sup>1</sup> John Erskine, second Earl of Mar. He was at this time a member of the Court of High Commission erected in 1610 for the trial of ecclesiastical offences. As the proprietor of Dryburgh Abbey, and titular of its teinds, he was no doubt well known to the Laird of Bemersyde, in whose family his lordship seems afterwards to have taken some interest.

<sup>2</sup> Tibbald's, or Theobald's, in Hertfordshire, was the favourite residence of King James.

the flattering hyperbolism already grows something stale ; and he ends by declaring his readiness, if he in any way shrinks from what he has advanced, to die "the shamefullest death" that can be devised.

It does not seem that the brothers were so confronted, as above proposed. In the meantime, the Countess of Somerset, ten days after the date of the above letter, was placed on trial for her complicity in the murder of Sir Thomas Overbury ; and next day the Earl himself was arraigned on the same charge. They were both convicted : but he, by virtue, it is said, of a general pardon, retrospective and prospective, which in his days of favouritism he had obtained from the King, had his life spared ; and the same favour was extended to his Countess.<sup>1</sup> It had also, for some reason that does not appear, been resolved to remove the two brothers to Scotland, whither, about the beginning of June, they were sent down in custody, and lodged in the Tolbooth of Edinburgh.<sup>2</sup>

<sup>1</sup> There is much obscurity surrounding this transaction. Not improbably the reason of Somerset's life being spared is that suggested by Hallam, namely, that he was "master of some secret which it would have highly prejudiced the King's honour to divulge."—*Constitutional History of England*, i. 481.

<sup>2</sup> The Edinburgh Tolbooth, in which William Haig and his brother were confined, was the building known otherwise as the "Heart of Mid-Lothian," and which Scott has rendered famous by his novel of that name. It was a narrow structure of five storeys, and stood near to the west end of St Giles's Kirk, in High Street, its site now forming part of the thoroughfare. At the time of our history, the Tolbooth, in addition to being used as a prison, was also the place where the Scottish Parliament met, and where the Senators of the College of Justice, now the Court of Session, held their sittings for the disposal of judicial business. This building was removed in 1817.—There is also in Edinburgh the Canongate Tolbooth, erected in 1591 for the confinement of debtors. It was out of this building that James Haig made his escape in 1611, as already referred to. It still exists, and is a conspicuous object in the Canongate from its short spire and projecting clock. It bears the seemingly sarcastic inscription on its front of PATRIÆ ET POSTERIS—"For our country and posterity."

On the 19th of the same month, the two brothers, as also a French servant of Lord Yester's, were brought up for examination before the Earl of Dunfermline, Lord Chancellor, and Lord Binning, President of the College of Justice. The Frenchman, being first examined, stated that he remembered seeing James Haig in his brother's rooms in Lord Yester's house in London on the occasion referred to in James's "Statement," they having supped together that night, the witness waiting upon them at table. But he did not see James Haig either reading or writing letters; and although there were some loose papers lying about while William was packing his trunks for removal to Scotland, he did not see James touch any of them. The latter, on being appealed to by the Lords, declined to ask any questions of this witness, on the ground that he was one of Lord Yester's servants.

James himself was next examined. Being asked what further proof he had to submit as to the allegations which he had brought against his brother, he assumed an attitude of qualified reserve, protesting that he shall give "as great proof for clearing of the matter as ever was given by man since the creation;" but declines at present to say more until he shall learn "his Majesty's will and pleasure thereanent." After some unimportant questions had been put and answered as to a matter in which the jailor was concerned, William Haig was brought forward and interrogated regarding what took place between him and Hart, the astrologer whom he had known in France, and whether he had informed his brother of what passed between him and Hart as to



the late Prince Henry. William replied that he did not well remember whether he told his brother or not; but admits that very often, and in public company, and almost at all times when he heard any mention made of Prince Henry's death, he had mentioned what Hart had said to him on the subject. He had done so to Lord Yester at Rochelle, immediately after his conversation with Hart; and a month thereafter, being at Sir John D'Angleis', when "advertisement" was brought of the Prince's death, he had repeated Hart's speeches. He remembers also telling the same to Mr Thomas Kerr, in London; and admits further that he had "made a common discourse of them at all times, and in all places, at tables and other ways, when any mention was made of Prince Henry's death." He was also of opinion that he had told the same to Sir George Hay, and others who "haunted" the Lord Yester's company; likewise, that he spoke of it in Paris to Captain Seyton and Sir James Menteith, as well as oftentimes to Archibald Hay, "his master's surgeon."

This evidence of William's is sufficient to set aside the pretensions of his brother to having exclusive information as to the "treasonable" statements of William Haig; the knowledge of which need not therefore have pressed so heavily on James's conscience. It is also evident that James did not require to discover the "horoscope" of which he spoke so mysteriously, in order to make it the instrument of dragging out of his brother what passed between him and Hart; seeing that his accomplice Thomas Kerr had heard that conversation long before from the lips of William himself. The only

question, therefore, which still remained for James to make good, and which afterwards became the subject of further examination, was, Did such a paper as this "horoscope" exist?—and if so, was it in his brother's possession and handwriting, as alleged?

The result of William's examination, so far as regarded himself, is not so satisfactory as might be wished. In respect to his conversation with Hart, it is clear that he had not acted with the prudence which might have been expected of him in a matter that so nearly touched the King as the death of Prince Henry. In the superstitious atmosphere of that age, such a story, and so verified, was sufficient to convince people that the professors of this horrible astrological science had the power to blast and destroy the life of any one, however high his station or character, on whom they chose to cast an evil eye. The freedom with which, by his own admission, he had spoken of this incident, was, on the part of one in his position, if not reprehensible, at least highly imprudent. It had been well for him had he remembered the wise advice: "Curse not the king, no not in thy thought; for a bird of the air shall carry the voice, and that which hath wings shall tell the matter."

James Haig must at this time have been in very indigent circumstances. In his "Statement" he tells Sir James Home of Eccles that he could not follow the King on a certain occasion to Newmarket, because he was "frustrat of money;" and whatever of that "Statement" was doubtful in point of truth, this part of it may be taken as free from suspicion. This is shown by the circumstance that after he was

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consigned to the Tolbooth in Edinburgh, he had not the means to support himself, and was necessitated to apply for a grant of money for this purpose out of the public exchequer. His application was conceded, as we find from a minute in the *Register of Privy Council*,<sup>1</sup> of date 20th June 1616, the day following that on which he and his brother were examined. It bears :—“ The whilk day, the Lords of Secret Council allows to James Haig of Bemersyde, xiijs. iiijd. [13s. 4d.] daily, to be paid by the Treasurer-Depute and Receivers of his Majesty's Rents unto him, for his charges and expenses in his present ward, where he now remains within the burgh of Edinburgh, and that from the day he entered in the said ward until the day he be delivered and relieved out of the same.” As no such grant is spoken of in the case of William, it may be inferred that he did not stand in need of assistance. The picture as regards James is painful in the extreme ; and one cannot help wondering how Elizabeth M'Dougall and her ten children at Bemersyde fared and felt during all this unnatural strife between the brothers, which had ended in her husband being thus miserably incarcerated.

In the hands of the Lords of Session the case moved slowly. London was a long way from Edinburgh in those days—longer than New York is now ; and between the despatch of each messenger to the King, and his return with instructions, there would elapse a weary time to the two imprisoned men. As we learn from a letter afterwards addressed by him to the Lords, William was allowed the use of books, but not of writing materials ; and both brothers, curi-

<sup>1</sup> MS. in Register House, Edinburgh.

ously enough, were of opinion that each was being less rigidly confined than the other, and both make complaints accordingly. It more than half appears, too, that the Lords were purposely losing time over the business. They had not improbably become convinced that nothing more of importance was likely to be elicited by them ; but yet, in order to humour the King, they went through the various formalities of procedure with their accustomed solemnity, maintaining a dignified semblance of motion, but making no real progress. Besides, his Majesty still continued to manifest an extraordinary degree of interest in the case : everything had to be reported to him in person, and all instructions were received from the same august source : while this was so, therefore, it would not do to bring the cumbrous legal machinery to a halt without quite the usual display of drag application. In the meantime William Haig had become intensely impatient, and in the beginning of August addressed an appeal to the Lords.

*To the Right Honourable my singular good Lords, the Earl of Dunfermline, Lord Chancellor, and the Lord Binning, the Lord Secretary, these.*

MY HONOURABLE GOOD LORDS,—Besides the prejudice I know I sustain in my poor estate, [and the] indisposition of body and grief of mind I have in the apprehension of his Majesty's displeasure with me till he be fully informed of my innocence,—the continuance of my restraint breeds in many so much the more suspicion of my guilt, [seeing] that my accuser, noted with so many public blemishes, has more liberty than I. My Lords, he may continue in lies, but God knows it is impossible he can prove the least of the imputa-

tions wherewith he charges me. Your Lordships cannot be now ignorant of the truth of the business. If I were guilty to such enormities, it were fit my punishment were more public; but being innocent, it is a pity to smother me in this loathsome hole. Saving your Lordships' wisdoms, though I had been all this time at free ward, I could never have made my accuser less able to prove his devices against me. I suffer too much for the lies of that unhappy man, God forgive him!

I always hoped your Lordships should have put this business to a point before the end of the session. I can hold no longer. I beseech your Lordships, pardon a poor man much distracted with the grief of this place. I adjure your Lordships, by the love you have to justice and to his Majesty's service, either to punish my guilt, if any be, clear my innocency, or give me leave to write unto his Majesty both the just exceptions I have against my accuser, and what I can say to show the falsehood of his accusations. And if at this time your Lordships be not disposed to afford me any of these favours, I beseech humbly your Lordships, either suffer my friends to come at me, or at least give me leave to use pen and ink, for making use of my reading here, that I may have some poor comfort till such time as either his Majesty have taken notice of my innocency, or your Lordships have leisure from his Majesty's more important services to make an end of this business. Thus beseeching your Lordships answer, I rest, Right honourable,

*Your Ob; most respecting servant  
William Haig*

*Tolbuth. 2. August. 1616.*

There is not a little pathos in the appeal thus addressed to their Lordships from the "loathsome hole" in which month after month this man, of re-

finer habits and scholarly tastes, had to herd with the offscourings of the city slums. Happily, the Lords, on the very day on which they received William Haig's letter, complied with the request thus respectfully addressed to them, in so far as to give the writer permission to send a statement of his case to the King in person. This statement, which he at once proceeds to draw up, is framed with due professional care and acumen, and expressed with very considerable literary skill, standing in marked contrast, both in matter and manner, to his unfortunate brother's less cultivated appeals.

*To the King's most Excellent Majesty.*

MAY IT PLEASE YOUR SACRED MAJESTY,—Every time that I was examined here upon the particulars given to your Majesty in a libel by an ill brother of mine, I would fain have pointed at some circumstances whereby the Lords committed for the trial of that business might have seen the evident falsehood of all the imputations wherewith in that writ he charges me. But the Lords repelled me always, telling me that the business was not referred to my improbation, and would let [me] pen nothing but the naked affirmative or negative in my depositions. Yet knowing that the Lords could not miss to perceive diverse things in that writ given to your Majesty, and in my accuser's depositions here, arguing the falsehood of his accusations, I hoped that from them your Majesty should have received information of my just exceptions both against my accuser and [his] accusations, and so to have been ere this time freed, both of all misconception they may have bred in your Majesty of me, and of the misery of my restraint here.

I fear the Lords' greater business have made them forget or forbear to trouble your Majesty with all they can report, and I esteem needful, for your sacred Majesty's full assurance of my innocence. I did therefore this day by my

keeper procure liberty to write to the Lords and prayed them either to punish my guilt, clear my innocency, or give me leave to write to your Majesty what I can answer to all these calumnies wherewith that ill man profaned your Majesty's ears. It has pleased the Lords to give me liberty to write. Since, therefore, amongst many other Royal virtues, for which all that are so happy as to be born in your Majesty's reign owe thanks to God, your Majesty's affability is not one of the least,—I beseech humbly your gracious Majesty, let not the meanness of my person or fortunes be a bar to hinder your Majesty to take notice of my just defences.

If it were in any other case than your sacred Majesty's, the just exceptions I have against my accuser's person were sufficient to make his accusations of me (unfortified in any proof) inconsiderable ; for he is no better known to be my brother, than abhorred of all his kin for his habitude of lying, his noted perjury, his wrongful calumnies against me in 1611, his counterfeiting my subscription, falsifying your Majesty's signet, and making his last voyage to London purposely to murder me, as one has here told diverse of our kindred, to whom he disclosed so brave an intention : qualities for which any man's witnessing were to be repelled in judgment, and which I would not mention to your Majesty if they were not known to all that knows<sup>1</sup> him in this country. Notwithstanding all these, if God had not made him *stot*<sup>2</sup> upon some circumstances in that writ given to your Majesty, and in his depositions here, whereby I can show the falsehood of his accusations, I could not have peace in my mind, for fear that his very being my brother left in your Majesty some impression of the truth of his

<sup>1</sup> Such expressions as "all that *knows*," "the men *sits*," "the kye *comes hame*," and the like, though opposed to modern English usage, "are not vulgar corruptions, but strictly grammatical in the Northern Dialect ;" of which the verb, in the present tense, except when the subject is its own proper pronoun, generally takes *s* in all persons.—See Dr Murray's *Dialect of the Southern Counties of Scotland*, pp. 211, 212.

<sup>2</sup> *Stot* is a significant Scotch verb for which there is no equivalent in the English language. It means to strike and rebound like a ball ; hence "stottin' the ba'" is the name applied to the favourite amusement of Scotch girls.

accusations, which may be reduced to two heads:—1, Certain treasonable papers, and discourse by occasion of their inspection; 2, My long continuance to seek your sacred Majesty's ruin.

For the first, he has deponed in my hearing that he saw them the 9th of April laid up in a trunk which stood in my chalmer, by occasion of sighting some writs of Fadunsyd sent to me to be subscribed, and that we had all that communication between 4 and 9 hours at even.

For answer: First, the Lords has searched the trunk which he designed, and found that Fadunsyd's writs were not in it; therefore false that Fadunsyd's writs could give occasion to his pretendit discovery of any thing that was in that trunk. Notwithstanding the Lords might there perceive that he did falsely charge that poor trunk with the harbouring of so execrable writs, yet because upon Fadunsyd's writs he groundit the greatest probability of his calumny, the Lords caused search a box wherein I told them Fadunsyd's writs were, with many other papers, but nothing approaching any such stuff as my accuser mentioned. He confessed before the Lords that he never saw that box, yet he could not have seen, that day he names, the taking out and laying up of Fadunsyd's writs, unremembering so *kend-speckle*<sup>1</sup> a thing wherein they were put (especially having intention to take advantage of writs he pretends was beside them). And he depones that he was with me that night till 9 hours at even, after which time there was no more handling of these coffers made up for Scotland. These might seem strong enough presumptions that he neither saw that day Fadunsyd's writs, nor any thing by their occasion. But *je ne m'y arreste pas*. I prayed the Lords to be assured that that box out of which they took Fadunsyd's writs was placed within a trunk (which stood in a room at least twelve steps of a stair distant from my chalmer) before twelve hours that day that my ill brother came, as he says, to me at 4 afternoon. My Lord Yester's groom of his chalmer had (as he used ever) the keys of it all the after-

<sup>1</sup> *Kenspeckle*, "having so singular an appearance as to be easily recognised."  
—*Jamieson*.



noon, and he would testify that that trunk was not opened from that day before twelve hours till it came to Scotland. That he deponing his oath that that trunk was packed according to the inventaire that day before 12 hours, and their Lordships finding that box and Fadunsyd's writs, with other of some note mentioned in the inventaire, must be assured in their consciences that he did not see Fadunsyd's writs, and that it has been God's providence that he should ground upon them (thinking it likely to be believed he might see them upon that trunk, and in that tyme of the day) his calumnies, that thereby the falsehood of them might evidently appear.

Secondly, I beseech your sacred Majesty to consider that, by my knowledge, he had set in work, before that night, Sir James Hume of Eccles, with a copy of that discourse in favour of unfortunate Somerset—not so much, God knows, in zeal of either of them to your Majesty's service, as of purpose to harm me. That shows that if he had seen any such treasonable writs, he had malice enough to have retained them when he had them, as he pretends, in his hand, or else gone for a warrant to search the trunks for them (which any justice of peace could have given), knowing that both I was to go out of London the next morning towards Newmarket with my Lord Yester, and that these trunks were to be sent away to Scotland.

Thirdly, he that had intention to harm me for having some Latin verses<sup>1</sup> taxing (though both dully and impertinently) your sacred Majesty, would rather have procured by entreaty or force these which he pretends was of my handwrit, than taken the patience to copy them. If I had been that unhappy as to have such a foolish thing, I would have given him no copy of it if I had suspected his ill intention; and, fearing no harm, I would have been as easily persuaded to give him the paper as the lines. He does not, I think, accuse me either of a poetical or astronomical knowledge. Though I do admire *genium poetarum*—which, God knows, I want—yet I have ever thought judiciar astronomy a great argument of weakness or madness

<sup>1</sup> *Ante*, p. 135.

of brains to a Christian to affect ; and a great presumption, from an elementary or starry knowledge, to draw definite conclusions in actions that has any dependency from our own or others' souls. Whatsoever grounds that people builds their natural science upon, the Author of nature can both abolish and change in the working. God keep me from the trouble of making collections of the effects of other men's brains that can neither make me honestest nor wiser !

Fourthly, in the end of his libel given to your Majesty he has inserted a pretendit copy of a letter of his to Sir James Hume (which I intercepted), whereby he will have the chief drift of the principal seem to have been to procure a warrant to search the trunks, for fear whereof he will have me seem to have kept back that letter. Yet the original (which is here extant, and was shown that night I arrived at Newmarket to the chief noblemen of our nation) contains no such purpose. He that durst write to your Majesty a thing wherein his own handwrit could convince him of so palpable a lie, judge, most wise Sovereign, *quali fide* he uses in other allegations.

Now, for the second and greatest head of his accusations, that I have ever sought<sup>1</sup> your Majesty's ruin since the death of Gowrie.<sup>2</sup> I hope all that knows me will depone that I am free from the infection of that Jesuitical divinity that makes paradise a price of princes' murthers, and so makes their ruin easy to any man that will be *prodigus suæ vitæ*. Ruin ! if a King of Israel thought there was no more proportion between him and a King of Judah, than between a thistle and the tallest cedar in Lebanon, alas, what propor-

<sup>1</sup> Have continued to seek.

<sup>2</sup> This refers to the death of John third Earl of Gowrie and sixth Lord Ruthven, who was killed in his own house in Perth on the 5th of August 1600, in an alleged treasonable attempt on the King's life ; and to the King's happy escape from which attempt, known in history as the "Gowrie Conspiracy," William Haig, in the further course of his letter, makes graceful and politic allusion. This John was the third brother of William first Earl of Gowrie, the principal in the "Raid of Ruthven," 23d August 1582. It is not improbable that the Haigs may have been under some suspicion regarding the said Raid, seeing that so many of their friends and neighbours were implicated. In the list of *Ruthven Raiders* of that year, given by Calderwood (*History*, iii. 637-646), we find the names of Andrew Ker of Faldonsyde (the uncle of James and William Haig), the Abbot [?Commendator] of Dryburgh, Sir James Hume of Cowdenknowes, George Hume of Wedderburn, etc.

tion between the wisest, one of the greatest of Kings, and his meanest subject? Ruin is a matter requires action: alas, what can I do? "Sought," says he, "since the death of Gowrie." *In tanto temporis tractu*, let him show one particular able to give the smallest colour to so deep an imputation. No, for all Gowrie! If he can prove that ever I spoke an irreverent word of your Majesty, let me be punished as an underminer of the state, and intending a worse ruin than the Powder Treason.

Your sacred Majesty knows that, *contradicentium*, there can be but *una pars vera*. I can show since that time good arguments of my zeal to your Majesty's service, and therefore [have] not still sought your ruin. In 1603, I wrote a discourse of your Majesty's title to Gueldres and Zutphen, whereof Sir Thomas Parry, the Ambassador in France, got a copy. In 1607, my Lord Erskine gave unto your Majesty a discourse written by me of the Union, proving that whatsoever nations agreed in one King and one name were *ipso facto* one kingdom, and that the ordering of naturalisation, offices, possessions, trade, being *juris regi*, the Parliament talking of these things, which were not their object, was not be wondered at to wander long to little purpose in *aliena provincia*. Whether it was modesty, bashfulness, or reverence of your Majesty's person, that has ever withstood me, I know not, but I had never the boldness for either of these discourses to be made known, or suit<sup>1</sup> recompence from your Majesty. It was my mere zeal to your Majesty's person that made me write these things—sufficient proofs that I did not always seek the King's ruin. God is witness, and the consciences of some French Protestants, both of highest birth and best worth, that I have used there my poor talent with all possible affection, as occasion offered, to plant and foster among them reverent impressions of your Majesty. I do not report these things to your sacred Majesty as expostulating with works of supererogation (I acknowledge that albeit *mala opera condemnant*, yet *bona opera non justificant*; I was bound to them and more in the duty of my birth), but that now your Majesty, taking notice

<sup>1</sup> Solicit.

that the strength of my grief and anguish expressing these things which I have in modesty covered hitherto, may be pleased to judge how far my accuser is from the sooth<sup>1</sup> in charging me with this imputation, and thereby, and by these other particulars I have pointed at in his person, in his writ to your Majesty, and his depositions here, determine of the falsehood of the haill, perceive my innocency, and not to be offended that I humbly beseech your sacred Majesty to command to free me of this close prison.

Finally, I humbly beg your sacred Majesty's gracious pardon for that Scots kindness (ever ready to a friend, but oft inconsiderate) which threw out of me that discourse in favour of poor Somerset. Though I loved that man, yet it was but *ad aras*, within the limits of my duty to God and the King. I know the good intention of Uzzah in putting his hand to the Ark did not save him from punishment. I do not presume that my blind zeal even to your sacred Majesty's self in that business should plead any excuse for it. I have my recourse to your Majesty's mere grace, and upon the knees both of body and mind humbly begs your Majesty's pardon for meddling in a matter wherein I could neither do good, nor was *de ma portée*. Your Majesty never pardoned fault in a subject that did more heartily press to use his talent dutifully to your Majesty's honour and service than I shall. My very writing of these falling out to be on such a day<sup>2</sup> as made once all your subjects happy by your Majesty's thrice happy delivery from that bloody murder intended by Gowrie against your royal person, makes me hope, by your Majesty's graciousness, to be delivered both from all the hurt I have sustained by false accusations, and from the misconception that miserable letter has bred of me in your Majesty. That in writing to your Majesty, I have not kept such measure as was either sufficient for pointing out the truth, or in such case beseeeming such a poor worm as I—pardon, dread Sovereign, that fault in a poor distracted mind with apprehension of your Majesty's displeasure, and the misery of a loathsome prison. So shall I continue my

<sup>1</sup> Truth.

<sup>2</sup> The 5th of August—the sixteenth anniversary of the King's escape from the Gowrie conspirators.

affectionate prayers for your Majesty's long and happy reign over us, as earnestly as I humbly crave leave to take the title of

Your Majesty's most humble, loving, and faithful subject,

WILLIAM HAIG.

Tolbuith, Edinburgh, 5 August 1616.

This letter reads like the declaration of an innocent and truthful man, whose occasional acts of imprudence, and the particular bent of whose political opinions too openly avowed, had involved him in a series of coincident circumstances of little moment in themselves, and only raised into importance by the misrepresentations of one who sought thereby to effect his ruin. Like his brother, he is not forgetful of the King's love of applause, but his appeals to this side of the royal nature are without any tincture of that mendacious flattery which characterises his brother's effusions. He is humble, without being abject; importunate, but not peevish; complimentary, but not obsequious. He urges plea after plea in his own defence with skilled pertinacity; and touching those points which are fitted to tell against him—such as his interception of his brother's letter, and his advocacy of the cause of Somerset—endeavours to extenuate, but not to evade or deny them. As to that portion of the charges against him which he was conscious would affect the King most nearly—namely, his alleged astrological scheme for the death of Henry, and insinuated malignity towards the King himself—he takes up a dignified and manly attitude. Without condescending to repeat or discuss the tattle of his brother in this connection, he contents himself with expressing his utter detestation of such wicked-

ness as the charge implies, as also his unqualified contempt for the vain science that can affect to draw from the motion of the heavenly bodies conclusions as to human actions, the source and motives of which lie within our own souls or the souls of others.

From the references in the above letter to charges made against the writer in connection with the Gowrie Conspiracy of 1600, it is evident that the whole of the accusations brought against him by his brother are not contained in the existing papers. Possibly these additional charges were embodied in the "process" which James in one place speaks of having given to Sir William Alexander.

In the meantime, and before William had obtained permission to write to his Majesty, James had found an opportunity of addressing another letter to the King. It has not been preserved; but we learn otherwise that it contained serious charges of partiality against the Lords Chancellor and Secretary, in respect that they had refused to put such questions to his brother as James desired, and that they were allowing William privileges in prison which were denied to him. He also complains that he had not the means wherewith to support himself in his confinement. Accordingly, on the 12th of August—at which time William's letter could not have as yet reached the King—his Majesty writes to the Lords on the subject of James's complaints.

In consequence of this letter, the Lords, on the 27th of the same month, re-examine the two brothers, and those concerned in the charges preferred against themselves; but more especially they question James as to the several writings, astrological and otherwise,

which he professed to have seen in his brother's rooms in London on the 9th of April. After having been "deeply sworn," James was asked if he knew of any "infamous writs" having been found in his brother's trunk when it was opened in presence of the Lords, and also if he knew of what tenor and substance these writs were. The answer he gives is significant of the flimsy material out of which he had manufactured his main charges. He admitted that he wrote to the King that papers of an infamous character had been found in the said trunk when the "pasquil"—the Somerset pamphlet—was taken out of it; which averment he had made because he had heard his brother in his examination say that he had written a little discourse wherein he sustained that pride was a virtue; and he (James) thinking it was a very infamous opinion to sustain upon such a subject, and having heard my Lord Chancellor say to his brother that he had been idle in writing sundry things found among his papers, did thereupon take occasion to write that letter to his Majesty. Being further desired to state what question he wished put to his brother which had been hitherto refused to him by their Lordships, he said the question had reference to what his brother had said in his pasquil as to there bring a combination between the Lord Chancellor, the Earls of Arundel, Pembroke, and Southampton, the Lord Chief Justice, and the Essex faction, with certain of the Royal Bedchamber, against Somerset. William Haig, being also "deeply sworn," and called upon to answer the question, admitted that he did not then know, nor did he yet know, that any of the Bedchamber were

in such a combination, and that he simply wrote it "upon a naked suspicion of his own, because he thought that some of the Bedchamber were unfriends to Somerset." As for the other noblemen mentioned, he knew nothing of any such combination among them "but by conjecture."

This was a somewhat damaging admission on William's part; but, beyond showing that, in common with most pamphleteers and agitators, he had been more concerned about his arguments than his facts, and occasionally allowed suspicion to take the place of knowledge, it did not in any way touch the gist of his brother's charges against him—namely, that he had effected the death of Prince Henry by sorcery, and was seeking in the same unholy and treasonable manner to achieve the death of the King. The accuser himself must have seen this, and become conscious that, so far as regarded the particular allegations condescended upon, his evidence had in no way as yet incriminated his brother. Being recalled, therefore, and asked if he had any further evidence to advance against William, he at once abandoned his former attempts at proof, and adopted a new line of procedure which, remembering their relationship as brothers, is sufficiently startling. He said he had nothing further to adduce; but demanded, as a last resort, that the matter between them should be put to the issue of *trial by combat*!

It was the ancient law of England—and on this account James Haig requested that his case should be re-transferred for further hearing to England—that, in a charge of treason, where there was as in this case only one witness to speak to the accusa-



tion, both the accused and the accuser were entitled to appeal the final issue to "the wager of battle."<sup>1</sup> But this practice, so barbarous and shocking in its judicial aspects, had long fallen into desuetude; and the proposal to revive it on this occasion must have been the last resort of a man bent on securing the destruction of his victim at any risk—even at that of his own life. It is an extraordinary instance, as between two brothers, of the length to which a malignant nature will go in order to effect the objects upon which it has set itself. The Lords Chancellor and President could not fail to be shocked by the violent and implacable spirit thus manifested by James Haig towards his brother; and possibly, from its very enormity, they suppress all reference to it in the letter which, the next day, they forward, along with the depositions, to the King.

From this letter it is obvious that the Judges were satisfied that no useful purpose was to be served by prosecuting the controversy between the two brothers further. After repudiating the charges brought by James Haig against themselves, they add: "Your Majesty will preceive that there is small appearance that our travails can produce any further discovery in this controversy, but must depend upon your Majesty's own most excellent wisdom and resolution."<sup>2</sup> They then proceed to give, in a plain un-

<sup>1</sup> For some account of this peculiar law, *see* Appendix No. VIII.

<sup>2</sup> John Lord Yester was married to a sister of the Earl of Dunfermline, Lord Chancellor, who in turn was married to a sister of Yester's. It might be too much, perhaps, to impute that this relationship had something to do with the Chancellor's evident desire to end the case as against William Haig, the friend of his brother-in-law; yet it must be admitted that the Scottish bench had not then the character of impartiality. About half a century later, Lord Gilmour of Craigmillar, President of the Court of Session, heard some one referring to

varnished statement, the impression they had formed of James Haig's character. "There has," they say, "so many gross oversights fallen out in Bemersyde's by-past actions—he being defamed for counterfeiting of your Majesty's signet and the subscription of his own brother (for the whilk he was brought in question before your Majesty's Session), and the breaking of your Majesty's ward furth of the Tolbooth of the Canongate, beside sundry other follies whilk has made him so infamous that we have ta'en the less hold of anything that he has said against us. And whereas he has complained of want of moyen<sup>1</sup> to entertain himself in ward, in that point he has likewise overseen himself; seeing from the first day of his entry in ward he has had, and still has, in daily allowance of your Majesty xiijs. iiijd. [13s. 4d.], which is more than is given to warders of his rank and quality entertained upon your Majesty's charges.<sup>2</sup> And so, with our earnest prayers to God for your Majesty's long and happy reign, we rest," etc.

That the Lords were desirous that this should be taken by the King as their final deliverance in this miserable controversy, is manifested in the above letter with quite enough decision. When, therefore, two months afterwards, we find them still going through the form of re-examining James Haig, we cannot help attributing this useless and painful prolongation of the inquiry to the King's own notions of self-importance in the matter. The case from the first had scented of sorcery or witchcraft, if not worse; the English judges whom Cromwell had placed upon the Scottish bench, and praising them for the impartiality of their decisions. "Deil thank them," said he, "they have neither kith nor kin."—*Court of Session Garland*, p. 4.

<sup>1</sup> Fr. *moyen*, means.

<sup>2</sup> See *ante*, p. 154.

and all the pedantry and learned whimsicality of the monarch would be called into operation to rout, as he would flatter himself, "the Prince of the power of the air" in his own most chosen and puissant stronghold. At this last recorded examination, which took place on the 25th of October, James Haig stated that he had "no further to say than he had already said;" again appealed the issue to trial by combat, "if so it shall please his Majesty;" and ended by declaring his readiness to give his life in confirmation of all that he had spoken in the matter.

At this point, so far as existing records go, the dispute between the two brothers comes to an end. How it was finally disposed of is matter of conjecture. To judge by analogous cases: when the King had come to see that nothing more was to be gained by prolonging the inquiry, the brothers would in all likelihood be liberated on finding security for good behaviour. That the character of William Haig was ultimately cleared, and himself restored to the favour of the King, is evident from the official appointments which he afterwards received and held under the Crown.

As for the unfortunate and unhappy James, little remains to be said. In December of the following year, as formerly mentioned, he was served heir to his father in the property of Hissildans in Lauderdale; but beyond this point nothing save what is inferential is known of his career. He probably died about 1620; he had certainly deceased in 1623. From the nature of the references made to him in the family papers in 1619 and 1621, in which he is spoken of as "late of Bemersyde," he would appear

to have finally quitted his home, if not also the country. Obadiah Haig records, what is not unlikely to have happened, that after denuding himself of his estates he "discontentedly travelled into Germany, and there died." A melancholy and not improbable ending to a violent and misdirected life.<sup>1</sup>

But James's misadventures did not affect himself only. When he disappeared from the country he left behind him a legacy of trouble to his family such as all but ruined them; and had it not been for the wise and self-denying efforts of his brother William, the prophecy of the Rhymer would long since have been falsified, and the name of the Haigs unromantically severed from their ancient barony of Bemersyde. This time of trouble extended over a period of eighteen years; its origin being due to the reckless conduct of James, and its prolongation to the share which William took in the politico-ecclesiastical struggle with the Crown in which the kingdom of Scotland was then involved. Yet throughout all these difficulties, William's care was ever directed towards saving the estate to the family; and in this he was, partly by good management, and partly by fortuitous circumstances, in the end successful.

As a consequence of the long and bitter conten-

<sup>1</sup> Obadiah Haig gives the year of James's death as 1626; but this is opposed to the facts as elicited from the family papers. In a deed of December 1619, he is spoken of as "James Haig, sometime of Bemersyde;" again in April 1621, he is mentioned as "quondam de Bemersyde;" and then in November 1623, his wife is referred to in a third deed as "Elizabeth M'Dougall, relict of the umquhill James Haig of Bemersyde." He appears, from a deed to be afterwards cited, to have left Bemersyde before the autumn of 1618; and, although his eldest son from the end of the latter year transacts the business of the estate as if his father were deceased, it is not improbable that his family had no certain knowledge of his death till a somewhat later date.

tion between the two brothers, it is only natural that we should discover indications of hostility towards William Haig on the part of certain of James's family. The eldest four sons were named Andrew, Robert, George, and James, the name of the seventh being David. Of the intermediate sons we know nothing. Andrew at the time of his father's disappearance in 1618, was at least twenty years of age;<sup>1</sup> and it would be inconsistent with the commonest analogies of human nature to find that he and his brothers, as they approached manhood, forbore interesting themselves in the fortunes of their unhappy father, especially during the period of his contention with his brother. Their mother, Elizabeth M'Dougall, would naturally incline to the side of her husband, though she could not be quite unaffected by the kindness which William continued to show to her and her family. Andrew, as the eldest, probably best knew and appreciated the sacrifices which his uncle had made for the family during the years immediately following the disappearance of his father, and was consequently averse to joining with those of his brothers who were disposed to be less friendly towards him. James, the fourth son, seems to have been actuated by similar kindly feelings; while there are not wanting indications that Robert, the second son, had taken part with his father, and was probably

<sup>1</sup> This is to be inferred from a deed of date 10th November 1619, in which Andrew Haig grants to his uncle William Haig an assignation of the teind-sheaves of the town of Bemersyde, as set to James Haig his father—"the said Andrew *now having right to the same.*" In consideration of this assignment, William Haig agrees to pay to his nephew the sum of two hundred merks Scots annually during the term of his (William's) life, as also "ane boll guid and sufficient heapit oatmeal of the mete and measure of Lauder, yearly at the feast of Candlemas."

joined by others of the family in attributing to William Haig no small share of their misfortunes. It is possible also that William, as a lawyer, was thought better able than his brother to look after his own interests; hence, when it was found in 1619 that the whole of the Bemersyde property was in his possession, he may have been blamed, not only by certain members of the family, but likewise by the people in the neighbourhood, for the part he had taken in superseding his brother in the family estates.

It may have been, therefore, partly with the view of allaying such feelings, and partly out of pure kindness to his brother's family and regard to the family succession—for he himself was now over fifty years of age, and unmarried—that William Haig, towards the end of 1619, proceeded to make such arrangements as would place his brother's eldest son Andrew in possession of his patrimonial territory. Accordingly, at Edinburgh, on the 14th December of that year, an "interdiction" is published by Andrew Haig, "son lawful to James Haig, sometime of Bemersyde," whereby the said Andrew, "for his own advantage, and knowing the care and affection which his uncles, Alexander M'Dougall of Stodrig, and Mr William Haig, have for his welfare—therefore, and in implement of an article of the appointment made between himself and the said William at Melrose, 1st October 1618, he interdicts himself from selling, wadsetting, or offensive intromitting with his lands, etc., without the advice and consent of Alexander M'Dougall and Mr William Haig, or the survivors of them." This arrangement was to be in

force during the grantor's lifetime, and the deed is witnessed by James Haig, brother to the said Andrew.<sup>1</sup>

Following out the arrangement here made, we find that William Haig, on the same date, executed a disposition by which he resigned the estates to his nephew Andrew, in consideration of the said Andrew having "presently paid and delivered to me certain great sums of money, whereby I hold me weel content, satisfied, and completely paid;" the grantor reserving to himself the liferent of the "manor-place, town, and fortalice of Bemersyde, with the Mains thereof, and the lands called Moriden,"<sup>2</sup> etc. The "great sums of money" here said to have been paid by the grantee must have been largely illusory, and their mention may be regarded as an amiable species of legal fiction on the part of the generous uncle. On the 13th January following, Andrew received a charter under the Great Seal of the lands of Bemersyde, in terms of the foregoing disposition.<sup>3</sup>

However agreeable this arrangement may have

<sup>1</sup> *Register of Deeds*, in Register House, Edinburgh, vol. 292.

<sup>2</sup> This deed is granted by William Haig "with the advice and consent of Sir Walter Kerr of Faldonside," elsewhere spoken of as his cousin, and who, as we have already stated, was at this time a bondholder to a large amount over the estate of Bemersyde.

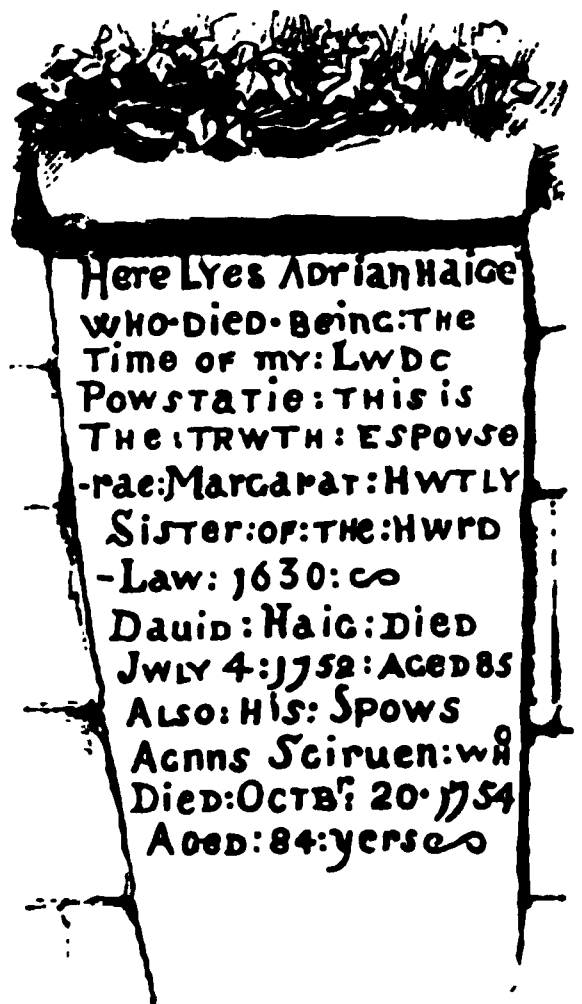
<sup>3</sup> There is a precept of the same date to the Sheriff of Berwickshire for infesting the said Andrew in his possessions, and the sasine following thereon, dated 5th February 1620, is witnessed by Edrian Haig in Bemersyde, and Andrew Haig his son. Edrian or Adrian Haig is also found acting as "bailie" in a similar instrument of sasine in 1628.

This Adrian Haig was a tenant on the estate of Bemersyde, and is the hero of a tombstone in Dryburgh Abbey, which, from its peculiar phraseology, has been the subject of much local conjecture. The stone originally stood in the churchyard to the north of the Abbey, till built into the east wall, on the inside, by the Earl of Buchan, who substituted a new one, bearing a very inac-

been to the principal parties concerned therein, it does not appear to have been so to certain of the creditors of the deceased James Haig; though it would but weary the reader were we to give in detail the harrowing picture of legal apprisings, arrestments, poindings, and the like, which the family papers exhibit for the next five or six years. It is almost miraculous how the estates did not at this time undergo total disruption, and we can only attribute their safety to the guiding hand of William Haig, whose knowledge of legal processes would enable him to beat off the horde of lawyers and

curate copy of the inscription, in place of that removed. The inscription on the old stone is carefully copied in the drawing here given. It has been chiefly noted for the mysterious words "Lwdc Powstatie," which were no doubt the rural sculptor's rendering of the old legal technicality *liege poustie* (supposed to be a corruption of *legitima potestate*)—that is, the period of vigour, or survivance for sixty days and going to kirk and market as usual, which in Scotch law is necessary to the validity of any will in which the testator has conveyed his property in an eccentric way, or past his natural heirs. The story of the tombstone is thus rendered intelligible. We can suppose the said Adrian to have made a will of this nature, and to have died within the sixty days thereafter requisite to its validity; whereupon those who considered themselves injured thereby would petition for and obtain its reduction. Then, by way of making the matter clear to all the country-side for all time coming, and shutting the mouths of the unsuccessful litigants, they erect a tombstone on which they make the dead man himself witness that he died within the prescribed time, adding the solemn asseveration: "This is the truth."

The inscription as it now stands is evidently a restoration, it being probably recut when the stone was placed in its present position. The blundering chisel of the restorer has not very faithfully followed the original lettering. For instance, what now reads as "LWDC," had originally, as can still be traced, been "LWDGE;" and the words "the Hwrd-Law," should probably be read as "Tho. Hewtly."





bailiffs and bondholders that from time to time swooped down upon the property. The estate was in more real danger now from these dogs of the law than when assailed by the destructive legions of Hertford, or exposed to the harrying lances of the wildest gang of Fire-the-Braes that ever infested the Borders.

Of two other sons besides Andrew, faint traces are at this time obtained. Robert, the second son, whose hostility to his uncle William has been already remarked, had probably taken service about 1623 with the Earl of Mar as a "gentleman servitor"—a position in the households of noblemen much courted by the younger sons of the gentry. The Earl of Mar was secular Lord of Dryburgh Abbey, and titular of the Abbey teinds, and had been in former years on friendly terms with the Laird of Bemersyde. It will be remembered that when James Haig sought to be confronted with his brother in the King's presence, he desired that his Majesty might permit Lord Mar to be present at their interview; and when Bemersyde was a few years afterwards compelled to flee the country, and "hungry ruin had him in the wind," it may have been out of a kindly remembrance of former friendship that the Earl took one of the unfortunate man's sons into his service.<sup>1</sup>

Of George, the third son, we learn nothing; but

<sup>1</sup> About this time, we find Andrew Haig, in a deed of date 29th November 1623, taking upon himself the burden of a debt of four hundred and fifty marks past-due to George Lawson, writer, upon a bond and obligation that had been granted by his mother. That Elizabeth M'Dougall was now a widow, is clear from the words of this bond, she being described therein as "relict of the umquhill James Haig of Bemersyde."

of the next in order, James, we have distinct traces. Like many other well-born Scotsmen of the time, whose prospects at home were not sufficient to induce them to remain there, he passed over to Holland in the beginning of 1624, and took service in that army which the Thirty Years' War so long kept in employment, and in which so many of our noble Scottish youths earned a soldier's honours and a soldier's grave. In the circumstances of the family, however, the outfit of the young Haig would appear to have been a matter of some difficulty; hence it is not surprising to find him, on the 1st January of the above year, granting a bond for a certain sum of money, unspecified, to William Hay of Walden, in Berwickshire, the record of which transaction is preserved to us in a deed, dated 22d May 1625, in which Hay assigns the said bond to Mr William Haig of Bemersyde, who thus, with characteristic kindness, took upon himself the young soldier's liabilities. Only one other record is preserved of his military career, in the shape of a letter which he addressed from Utrecht in November 1626, to his brother Andrew at Bemersyde. It is of interest as throwing light, not only upon the straitened circumstances of the family at this time, but also upon the troubles and ambitions incidental to a young Scottish gentleman of the period in his search after fortune in the Netherlands.

*To Andrew Haig of Bemersyde.*

WORTHY AND BELOVED BROTHER,—The time of this bearer is so short that I cannot get my full mind written to you; but I marvel you do not write to me your

estate, and whence it comes you do not come over. Mr Macdowell<sup>1</sup> does wonder much. You shall take a view of my mother's letter, where I entreated her earnestly to send me over clothes, in so much I do expect a collar of my Colonel; and to<sup>2</sup> that I be into fashion, I am ashamed to presume in the samen. Whereby I entreat you, my dear brother, to show her the credit in the samen; for if she do not, I am undone, for I am all out of fashion, and the letter my mother writ in May last, she writ nothing of clothes to me, whereof into your letter you did assure me she had written. But, alas! it is against natural favour to make me lose my own fortune for lack of putting me into fashion, and likewise the credit I am into with my Colonel by Mr Haig's recommendations, whilk I pray you speak to him to continue, and write to my Colonel and desire a full assurance of my preferment, desiring him likewise to mate<sup>3</sup> me in clothes if you be not able. But I wish at God you do not object as advise me;<sup>4</sup> else, farewell all good fortune! So this in haste, I rest,

Your loving and servable Brother,

JAMES HAIG.

From our Garrison at Utrecht,  
the 10th of November 1626.

You shall desire a sight of Mr Haig's letter, where I have written all, particularly with my Mother.

Whether the young soldier received "the clothes" about which he was so anxious, as necessary to keep him "in the fashion," and to grace the collar of promotion which he anticipated from his colonel, is not recorded: let us hope he did. Isolated as this letter

<sup>1</sup> Mr William Macdowell, or M'Dougall, as he is variously called, and of whom fuller mention is afterwards made, was a brother of Elizabeth M'Dougall of Bemersyde, and is subsequently found holding the office of President of the Council of War of the Provinces of West Friesland and Groningen, in North Holland.

<sup>2</sup> Till.

<sup>3</sup> Match.

<sup>4</sup> Object to that which is advised by me.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and the role of the accounting department in ensuring the integrity of the financial data.

2. It also highlights the need for regular audits and the importance of having a clear understanding of the company's financial position at all times.

3. The second part of the document focuses on the importance of budgeting and the role of the accounting department in developing and monitoring the budget.

4. It also discusses the importance of having a clear understanding of the company's financial goals and the role of the accounting department in ensuring that the budget is aligned with these goals.

5. The third part of the document discusses the importance of financial reporting and the role of the accounting department in preparing and presenting the financial statements.

6. It also highlights the need for transparency and the importance of having a clear understanding of the company's financial performance at all times.

7. The fourth part of the document discusses the importance of financial planning and the role of the accounting department in developing and implementing the financial plan.

8. It also discusses the importance of having a clear understanding of the company's financial future and the role of the accounting department in ensuring that the financial plan is aligned with this future.

9. The fifth part of the document discusses the importance of financial control and the role of the accounting department in monitoring and controlling the company's financial activities.

10. It also highlights the need for discipline and the importance of having a clear understanding of the company's financial position at all times.

11. The sixth part of the document discusses the importance of financial risk management and the role of the accounting department in identifying and managing the company's financial risks.

12. It also highlights the need for a proactive approach and the importance of having a clear understanding of the company's financial position at all times.

13. The seventh part of the document discusses the importance of financial innovation and the role of the accounting department in developing and implementing new financial technologies.

14. It also highlights the need for a forward-thinking approach and the importance of having a clear understanding of the company's financial position at all times.

15. The eighth part of the document discusses the importance of financial sustainability and the role of the accounting department in ensuring the long-term viability of the company.

16. It also highlights the need for a balanced approach and the importance of having a clear understanding of the company's financial position at all times.

17. The ninth part of the document discusses the importance of financial ethics and the role of the accounting department in ensuring the integrity of the financial data.

18. It also highlights the need for a strong moral compass and the importance of having a clear understanding of the company's financial position at all times.

19. The tenth part of the document discusses the importance of financial communication and the role of the accounting department in ensuring that the financial data is presented in a clear and concise manner.

20. It also highlights the need for transparency and the importance of having a clear understanding of the company's financial position at all times.

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

2. Once the problem is identified, the next step is to define the objectives and goals of the project. This helps to clarify what is to be achieved and provides a clear direction for the work.

3. The third step is to develop a plan or strategy to address the problem. This involves breaking down the problem into smaller, manageable tasks and determining the resources needed to complete them.

4. The fourth step is to implement the plan. This involves putting the strategy into action and monitoring progress to ensure that the objectives are being met.

5. The final step is to evaluate the results of the project. This involves assessing the outcomes against the objectives and identifying any lessons learned for future projects.

was in all probability a countryman of his own—a kind of second Ludovic Durward, it may be, who had left behind him the ragged fortalice on some Highland *corrie* or Border *hope* which was the scene of his Scottish birth, and the place he still called home, to follow abroad the profession of arms—“a true Scot, with plenty of blood, plenty of pride, and a right great scarcity of ducats.” But his blood and his bravery, we may assume, had borne him aloft, till now he was placed in command of the Scotch contingent, which, in its aggregate entities, was but the multiplied counterpart of himself. To such a colonel, then, this young Haig from Bemersyde thought it no disparagement that an appeal should be made, to advance him what was necessary to keep up the credit of the Old Land among the pursy, penny-wise Dutch traders, whom they at once fought for, courted, and despised.

The year after this letter was written, an event occurred at Bemersyde, which at first sight promised to have an unfavourable effect upon the fortunes of the house. This was the death of Andrew. He had never been more than nominal Laird of his possessions, as William Haig retained the life-tenure; yet, so long as he was the legal inheritor of the same under the Crown charter which he had received, a certain fixity was given to the family arrangements. But at his death, unmarried, a kind of chaos seems to have supervened, and the creditors again became urgent. The initiative was taken by David Preston of Whitehill, to whom a few years previously Sir Walter Kerr of Faldonsyde had alienated his

rights over the property.<sup>1</sup> Preston, either dissatisfied with the existing state of things, or desirous to take advantage of his powers of distraint and apprising, set himself to harass the widow and family. William Haig had again therefore to interpose his good services, and this he did by inducing Lord Hay of Yester to take up the bond under which Preston had his rights, and thus relieve the estates from this immediate pressure. In the deed consequent upon this arrangement—which is dated 15th May 1627, and which seven years afterwards was the means of saving Bemersyde to the family—Preston of Whitehill, with consent of William Haig, “one of his Majesty’s solicitors,” and Robert Haig, “brother and heir, at the least appearand heir, to umquhill Andrew Haig,” transfers certain bonds over the lands of Bemersyde to Lord Hay, who on his part undertakes to denude himself of the said lands, if William Haig, or his heirs or assignees, shall pay to his lordship the sum of £10,000 Scots before the term of Whitsunday 1630. The period of redemption here fixed at three years, was afterwards extended.

It is difficult to say whether William Haig, in thus restricting the power of redemption to himself “and his heirs,” may have been actuated by motives of prudence, or by some dislike to his nephew Robert. At all events, the latter appears to have been bitterly disappointed that his name was not conjoined

<sup>1</sup> On the 26th of April 1621, Sir Walter Kerr of Faldonsyde received a charter of apprising under the Great Seal over the lands of Bemersyde, for a debt of £23,346 Scots ; and some time thereafter he transferred his rights under this grant to his co-creditor, the above David Preston of Whitehill, a descendant of the Prestons of Craigmillar.

with that of his uncle in the clause of redemption, he naturally expecting to receive a disposition of the estates in his favour similar to that which had been given to his brother Andrew seven years before. But William Haig determined otherwise at this time; Robert, therefore, shortly afterwards, and possibly taking advantage of an offer made to him in this emergency by the Earl of Mar, quitted Bemersyde, and settled down on that nobleman's estate of Throsk, in the parish of St Ninians, Stirlingshire. Here he subsequently married, and became the founder of that large branch of the name which is known as the "Clackmannanshire Haigs:" from him is descended the present representative of the Bemersyde family, Arthur Balfour Haig.<sup>1</sup>

Before proceeding to trace the further course of William Haig's career, we may here give what little is to be gleaned of the subsequent history of Elizabeth M'Dougall and her family. David, the seventh son, will afterwards fall to be noticed. Of Frederick, the eighth, it is recorded by Obadiah Haig that he went from Holland to the East Indies in 1639, and was never again heard of.<sup>2</sup> Regarding James Haig's widow herself, we have after this period but one or two stray notices. In the Tax-roll of the

<sup>1</sup> See pedigree of Clackmannanshire Haigs in the Genealogical section, *infra*.

<sup>2</sup> The *O. H. MS.* is singularly inaccurate as regards this period. For instance, of Andrew, who died at Bemersyde in 1627, Obadiah Haig says: "Andrew, the eldest son, discontentedly left Bemersyde, with six of his brothers, about the year 1630, on his mother marrying again (after his father's death) contrary to their liking, and travelled to the Bohemian wars, where we suppose him lost." Of the six brothers, with the exception of David, the same thing is recorded: "Went to the Bohemian wars in 1630, and there supposed to be lost." Mylne simply copied the *O. H. MS.* for this period. Neither authority seems to have consulted the family papers.

Abbey of Dryburgh for October 1630, her name appears along with those of John Earl of Mar, and Mr William Haig, for the teind sheaves of Bemersyde, "estimat to be worth of free rent yearly ane hundred pounds, taxt to liijs. id.," being at the rate of "six pennies ane farthing half-farthing" per pound of valued rental.<sup>1</sup> In the next and last reference to her, she is exhibited in a different relationship, as the wife of Robert Kerr, "called of Greenhead." This reference occurs in a deed of "Loosing of Arrestment," of date 14th November 1632, granted in answer to a petition by "Elizabeth Macdowell, Lady Bemersyde, and Robert Ker, callit of Greneheid, now her spouse," against Sir James Pringill of Gallowsheall, knight, and umquhill William Ker of Lintoun, for having unlawfully arrested certain goods and gear belonging to the petitioners.<sup>2</sup>

The Kerrs of Greenhead, with whom the House of Bemersyde was thus allied, were an honourable and distinguished Border sept, descended from the House of Cessford. Sir Andrew Kerr of Green-

<sup>1</sup> *Liber de Dryburgh*, p. 386. From the "Rental of Dryburgh," printed in the Appendix to the same volume, we find that the teind sheaves of victuals paid by the Laird of Bemersyde in 1535 to Dryburgh Church amounted to twenty-two bolls beir [barley], "the meal in my lord's will, whether meal or oats." In the year 1540, the Bemersyde teind sheaves to the Kirk of Mertoun amounted to two chalders meal, one chalder six bolls beir, and two bolls oats. Similar entries are made for the years 1545, 1555, 1560-70, and 1580.

<sup>2</sup> This was not Elizabeth M'Dougall's only trouble; for among the family documents is a closely written fragment, without signature or date, but evidently the work of a lawyer, containing advice to "Lady Bemersyde" as to certain steps taken against her by her "cousin," the Laird of Faldonside, to enforce payment of a bond; which bond she alleges William Haig signed blank to Faldonside, who had subsequently set down in the same a larger sum than he was entitled to claim from the estates under the bond. From the terms of this dispute, we may refer it to a period after 1634, when William Haig was on the Continent.



head, whose father, Sir Gilbert, was knighted at Jedburgh in 1552, married a daughter of Gilbert Wauchope of Niddrie, and by her had seven sons, known as "the seven lads of Greenhead." Robert, who married the widow of James Haig of Bemersyde, was probably one of these seven sons.

From this point, the name of Elizabeth M'Dougall entirely disappears from the family papers. How long she lived thereafter, and whether her closing years had that peace and content which were denied her in the preceding portion of her life, we have no means of ascertaining. That her connection with James Haig had been as unfortunate in its course, as it seems to have been ill-advised in its beginning, the history we have recorded abundantly testifies; and it is not unnatural to hope that her second venture in matrimony, though not, as the documents above referred to indicate, free from trouble, was yet of a kind qualified to comfort her heart and brighten her home during the remainder of her days.

## CHAPTER VIII.

1633-39.

XIX. WILLIAM HAIG, 1627-36 : succeeds his nephew Andrew—Is appointed Solicitor to the King, and Collector of the Burgh Taxes in Scotland—Opposes the ecclesiastical policy of Charles I. (1633)—Draws up "Supplication" to the King in name of Dissenting Lords—The "Supplication" given to Lord Rothes for presentation to his Majesty, but suppressed—Is discovered in the possession of Lord Balmerino—The latter apprehended and consigned to Edinburgh Castle—William Haig escapes to Holland—Is put to the horn, and declared rebel—Sends back letters acknowledging authorship of "Supplication"—Balmerino's trial—His conviction, and sentence to death—Execution delayed, and subsequent pardon—William Haig obliged to remain abroad—Resigns the Bemersyde estates to his nephew David (1636)—His death (1639), and character.

IN following the remaining portion of the career of William Haig, it is pleasant to escape for a little out of the crooked byways of the family narrative at this period, and to be ushered into the broad, open field of national history.

From the first, as we have already seen, William Haig was a courageous, public-spirited, active-minded man. Taking a keen interest in the political movements of his time, and not hesitating to identify himself with the party in whose opinions he concurred, even though

XIX. WIL-  
LIAM HAIG,  
1627-36.

that party might be the unpopular one, he had not been able always to escape some of the unpleasant consequences of party fidelity. By his outspoken attachment in 1615 to the cause of the downfallen Somerset, he had brought himself into deep disfavour with the King and the Court; and this, followed by the serious charges urged against him by his brother, might, in the case of a man less patient and courageous, have ended in total discomfiture. As it was, though at one time sorely bestead, he had yet, "by the help of God and good friends," and his own inherent force of character, been able, not only to weather the storm, but to attain to more than one place of official usefulness and importance. In the lifetime of King James, and probably as a token of restored favour—though his Majesty was one who seldom forgave an offence—he had received the appointment of Crown Solicitor, or King's Solicitor, for Scotland, which office he continued to hold after 1625 under Charles. He was also, in 1630, appointed Collector of the Burgh Taxes in Scotland, and in this capacity was so fortunate as to suggest certain reforms in regard to the system of taxation, which met with the approval and commendation of the King. This we learn from a letter<sup>1</sup> which William Haig addressed from Edinburgh, on 13th April 1631, to Robert first Earl of Nithsdale, then one of the Commissioners for Tithes in Scotland, wherein he explains to his lordship the grounds upon which he proposed to change the Tax-rolls; and requests that—as his Majesty had by letter ordained a change to be made thereon

<sup>1</sup> Printed in Fraser's *Book of Carlawerock*, ii. 48.

unless sufficient objection to the Solicitor's reasons for the change could be shown—his lordship would beseech his Majesty to take notice of the answers to the reasons, a copy of which he enclosed.<sup>1</sup>

But, unfortunately for consistency in public men, William Haig's convictions brought about an obstacle to his peaceful retention of office. These convictions had stood in the way of his political advancement when a younger man; and now that he is on the farther side of threescore years, they are destined to stand in his way once more.

In 1633, the unwise designs of Charles I. upon the Church and religion in Scotland assumed a form which could no longer be passively tolerated by the more independent and earnest-minded among the nobles, as well as by the great body of the people. It was one of the serious disadvantages under which Charles laboured, that he possessed all his father's love of absolute power, without his father's experience of those whom he governed. Not that Charles was solely to blame for this. Much of the misfortune which clouded that monarch's relations with his people, in England as well as in Scotland, was

<sup>1</sup> About this time also we find that William Haig had other transactions with the above Earl of Nithsdale, and this in relation to the lands of Maxwell, near Kelso. In 1608, John Lord Maxwell, for the unhappy slaughter of Sir James Johnston, was forfeited, and his lands in Roxburghshire went to various members of the family of Kerr. His brother Robert was afterwards restored, and appears to have claimed the lands which belonged to his brother at his forfeiture. "But the last connection of the Maxwells with their ancient barony of Maxwell was broken in 1631, when the 'forty-pound land of auld extent of the barony of Maxwell' was apprised from Robert Earl of Nithsdale by William Haig of Bemersyde. Haig disposed the lands to the Earl of Roxburghe, who obtained a charter from the Crown on the 21st June 1634."—*Memoirs of the Maxwells of Pollock*, by William Fraser, vol. i. p. xx. The lands of Maxwell were afterwards the property of the Kerrs of Greenhead, and are now in the possession of Sir George Scott Douglas of Springwood Park.

due to the preposterous notions of kingly supremacy which had been instilled into him from his earliest years by his father. James had taught, both by word and writing, the unimpeachable character of a king's actions, and his entire irresponsibility so far as his subjects were concerned; making his escape from the absurd consequences of his own boastful logic by drawing a distinction between a king in the abstract and a king in the concrete. "An abstract king," he said, "had all power; but a concrete king was bound to observe the laws of the country which he governed." Alas for the consequences of James's teaching! It had been well for his son, and his son's son, had they contented themselves with being kings in the concrete, rather than in the abstract: for this same abstract kingship after which they strove, could not keep the head on the shoulders of the one, nor the crown on the head of the other.

It was one of King James's foibles that he could not refrain from tampering with the ecclesiastical establishment of Scotland; and Charles, after his accession, unwisely determined upon a like course of procedure. In June 1633, the young king made a state journey into Scotland, and was everywhere received with loyal enthusiasm; but he marred his progress in the eyes of his subjects by the ecclesiastical "mummeries and abominations" of the Scotch bishops—the "pretendit bishops," as the folks called them—who followed in his train. Another false step which he took was the appointment of these bishops to the chief State dignities in the land; for there was no one point on which the nobles of Scot-

land were more sensitively jealous, and with reason, than the usurpation of the higher civil offices by the clergy.<sup>1</sup> Nor was this all. Not content with arousing the irritable susceptibilities of his nobles, Charles further proceeded to a step that was qualified to kindle into resentment the deepest religious feelings of the people. He resolved to change by a statutory enactment the kind of apparel worn by the clergy of Scotland in the performance of their religious duties. Now, the difference between a black gown and a white one may not have been much in the days of the old monkish fraternities, nor may it be much in these of the nineteenth century; but in the Reformed Scotland of 1633, such a distinction had a very deep significance indeed. To the sober-minded Presbyterian of that time, it meant a return to the obnoxious forms of Papal worship, or what was to them the little less repulsive Prelacy of the English Church. On the part of Charles the measure proposed was as foolish and unprovoked, as it was in itself paltry and irritating. And the manner in which he sought, by an unkingly subterfuge, to pass the oppressive measure into law, was still more reprehensible.

<sup>1</sup> Charles's father, who was really the originator of these bishops, had been warned many years before against appointing them, by the witty Dunfermline preacher, David Ferguson. "David," said James to him one day, "why may not I have bishops in Scotland as well as they have in England?" "Yea, Sir," replied Ferguson, "ye may have bishops here; but remember ye must make us all bishops, else will ye never content us. For if ye will set up ten or twelve loons over honest men's heads (honest men will not have your anti-Christian prelacies), and give them more thousands to debauch and misspend than honest men have hundreds or scores, we will never all be content. We are Paul's bishops, Sir,—Christ's bishops; haud us as we are." "The d—l haet ails you," replied James, "but that ye would all be alike; ye cannot abide ony to be abune ye." "Sir," said the minister, "do not ban."—Row's *Coronis*, p. 314.

In those days, the Scottish Parliament, in order to lessen the pressure of public business, was in the custom, like our modern Parliaments, of delegating a portion of the work to Committees. But there was this important distinction between these ancient Committees and those of our modern Parliaments, that when the old Scotch Committees presented their report to the House, it was necessary to adopt that report as a whole, or reject it as a whole, however numerous the points or the separate measures with which it dealt. No consideration was permitted of its individual clauses, and no use could be made of that valuable modern safeguard, the "Amendment."<sup>1</sup> Aware of this, Charles, or the Lords of the Articles (as the Committee was called) acting in accordance with his wishes, had an Act declaratory of the royal prerogative conjoined with one—formerly passed in 1609, but never observed, and never probably intended to be observed—in which was conceded to the King the power of prescribing the apparel of Churchmen. This report, so framed, placed the Parliament in a painful dilemma. They did not object to confirm the royal prerogative to its fullest extent; but this power of interference with the vestments of the clergy was quite another, and, in the temper of the times, a much more serious matter. His Majesty was present to witness the deliberations of the House.<sup>2</sup>

<sup>1</sup> Burton's *Hist. of Scotland*, vi. 85, 86.

<sup>2</sup> Among those present at this meeting of Parliament connected with the Borders, were—Lords Lauderdale, Roxburghe, Traquair, Lothian, Yester, and Cranstoun. Among the Commissioners for Burghs were—Sir Patrick Murray of Elibank for Haddington; Sir Alexander Nisbet of that Ilk, and John Home of Rentoun, for Berwick; William Douglas of Cavers, and Sir

When the Act was read, Lord Melville, an aged nobleman, exclaimed, "I have sworn, with your father, and the whole kingdom, to the Confession of Faith, in which the innovations intended by these Articles were abjured."<sup>1</sup> Charles evidently felt the repulse, but his pride had carried him too far to recede now. The Earl of Rothes, a stout adherent of Presbyterianism, proposed that, as so many of them had scruples on the subject of the ecclesiastical vestments, the two Acts should be disjoined. But the King would not listen to this, and followed up his demands by menace. "I have your names here," he said, pointing to a list which he held in his hand, "and I shall know to-day who will, and who will not, do me service." Yet, notwithstanding all this, the Articles were rejected by a majority, fifteen peers and forty-four commissioners voting against them.

Then followed the basest and most tyrannical act of all : and here, again, the King took unworthy advantage of the forms of the House. It was the law and practice that the decisions of the Clerk-Register could not be called in question by any member, unless that member appeared at the bar of the House and accused him of vitiating the Parliamentary records : a criminal offence, which if the accuser failed to prove, he rendered himself liable to capital punishment. When, therefore, the vote was given

Walter Riddell of that Ilk, for Roxburgh ; James Murray, fiar of Philiphaugh, and James Pringle of Whytbank, for Selkirk ; James Hay of Smithfield, and James Nasmith of Posso, for Peebles. Among the Lords of Articles on this occasion were—Lords Lauderdale and Roxburghe, Sir Patrick Murray of Elibank, and William Douglas of Cavers.

<sup>1</sup> Mal. Laing's *Hist. of Scotland*, iii. 111.



as above against the adoption of the Articles, and the Clerk-Register, Sir John Hay of Landes, proceeded to record it, it was found that, either by pre-arrangement or otherwise, he had set it down as carried in the affirmative. The King, who had marked the vote on the list which he held in his hand, and must have been fully aware of its real state, thereupon dared Lord Rothes to call the decision of the Clerk in question. Rothes knowing the kind of trial which he was likely to receive at such hands did he dare to imperil his life by challenging the record, declined the hazardous task; upon which the Articles were ratified by the King as the deed of Parliament. It requires no gift of second-sight in us who read of such doings now, to see impending over the King, with ghastly outline, the shadow of that sterner court of Puritans who, fifteen years later, doomed him to atone for his crimes against an injured nation on the scaffold at Whitehall.

“Measured,” says Burton, “by the events that are to follow, this Parliament seems a matter of small moment or interest—a scene of petty jealousies and misunderstandings likely to be blown away and forgotten. But in reality it is the mark of a critical epoch.” The King “and his evil genius returned to London towards the end of July, leaving behind them a goodly store of combustible materials all ready for the torch which was to be thrust in among them.”<sup>1</sup> It so happened that the hand which should apply that torch was William Haig’s of Bemersyde.

The first use which the King made of the “blank

<sup>1</sup> *Hist. of Scotland*, vi. 89, 93, 94.

powers" which the Estates had conferred upon him as to the apparel of Churchmen, was to send down a warrant directing that the archbishops and bishops should attend divine service in whites; also, that all inferior clergymen were to preach in their black gowns: "but when they read divine service, christen, bury, or administer the sacrament of the Lord's Supper, they shall wear their surplices." This was surely matter enough, as things went, for one quarrel with his Scottish subjects; yet it was not enough for the infatuated King. He had been withstood to his face by certain nobles in the Scottish Parliament, and there must on his part be some reprisal, let the consequences be what they may. The occasion for which he sought soon presented itself. Shortly after the scene in the Estates above described, and before the King had left Scotland, the Earl of Rothes, Lord Melville, Lord Yester, and others, feeling aggrieved by the conduct of the King, were desirous of respectfully pointing out to him the dangerous and unconstitutional course he was pursuing; and with this view they requested William Haig, who, as Masson remarks, "had a good pen for such things, and was a strong sympathiser with the views of the dissenting lords,"<sup>1</sup> to draw up a humble remonstrance to the King on the subject.

The Remonstrance was addressed "To the King's most excellent Majesty," and entitled: "The humble Supplication of a great number of the Nobility and other Commissioners in the late Parliament." It began by referring to his "noting" of the names as "implying a secret power to innovate

<sup>1</sup> *Drummond of Hawthornden*, p. 233.

the order and government long continued in the Reformed Church in Scotland," and to his refusal to hear their reasons of dissent as tending to "breed a fear of our becoming obnoxious to your Majesty's dislike, if your Highness should still remain unacquainted with the reasons of our opinions delivered concerning the said Acts." They urge that, in dissenting from these Acts, they are "much more free from all suspicion of private ends than the contrivers of the said Acts in offering them to the hazard of contradiction;" and remind the King that "they that have been of a contrary mind to a resolution carried by the plurality of votes, have never hitherto been censured by a prince of so much justice and goodness as your Majesty." As to the Act anent the Apparel of Churchmen passed in 1609, they point out to his Majesty that his royal father, with "the long experience and incomparable knowledge" of government which he possessed, forbore, notwithstanding that Act, to make any change upon the Church vestments; and therefore they are "bold to presume that in his great wisdom he thought fit that the apparel used in time of divine service ever since the Reformation of religion till his death, should be continued, as decent in the Church, and most agreeable to the minds of his good subjects in this nation." They then urge—and this is perhaps the strongest passage in the "Supplication"—that in consequence of the dispeace and innumerable evils and distractions consequent upon the Five Articles of Perth, the preaching of Arminianism in the country without censure, and the admission of Papists into Parliament, "your supplicants have good reason to suspect a snare in the subtle

junction of the Act of 1609, concerning apparel, with that of 1606, anent your Royal prerogative, which by a sophistical artifice should oblige us either to vote undutifully on the sacred point of prerogative, or unconscionably in Church novations." "We do, therefore, dis-assent from the aforesaid Acts, as importing a servitude upon this Church unpractised before, and giving ground for introduction of other new indefinite devices." After referring to the former right of Parliament to elect and choose the Lords of the Articles from among their own rank and quality, without the interference of Parliamentary bishops "to cull and single out such noblemen, either popishly affected in religion, or of little experience in our laws, as having had their breeding abroad," and so "fittest only for the clergy's mystical ends," the Supplicants proceed further to remind the King that while the pecuniary condition of his subjects is worse than before, "yet have we all as one man consented to all your Majesty's demands and more, even to have taxations multiplied, without representing how the former have been, or these may fall to be, bestowed upon divers parties whose wastes and wants your good subjects are not obliged to supply." "Therefore," the Supplicants conclude, "we are confident that your Majesty, finding such a harmony in our affection to your service in preserving our Religion and Liberties, will be unwilling, upon any suggestion of such as are, or hope to be, sharers of our voluntary contributions, to introduce upon the doctrine or discipline of this your Mother Church, anything not compatible with your Majesty's honour, your good people's consciences, or that hath been

rejected by acts and public practice of this Reformed Church."

While the "Supplication" in its phraseology, is "throughout as respectful and deferential as the language of the day could render it:"<sup>1</sup> and while it is also, as another writer remarks, "an extremely temperate, business-like, and well-written paper, without a word of disrespect to his Majesty, but on the contrary full of expressions of obedience to him:"<sup>2</sup> yet it is not without some passages of indirect yet biting personal reproof to the King, all the more so that the reproof is studiously couched in language as skilful in form as it is deferential in tone. It does not certainly merit the extraordinary terms of denunciation afterwards applied to it by the Crown prosecutors; yet it is sufficiently irritating to a man of the King's temper. To be reminded, for instance, of his "noting" of the names, and the unkingly interference which it implied, when the vote was taken in the Scottish Parliament, was quite as stinging as would have been a reference made in similar circumstances to his baffled attempt in person, eight years afterwards, to apprehend Hampden and his compatriots in the English House of Commons. The respectful manner, also, in which the character and policy of his father are held up as foils to his own; the politely veiled terms of contempt in which his favourite tools the bishops are spoken of; the sarcastic allusion to the Church into which he had been baptised, and which he was now oppressing, as his "Mother Church;" and the more

<sup>1</sup> *State Trials*, iii. 603-607.

<sup>2</sup> Burton's *History of Scotland*, vi. 95.

<sup>3</sup> Masson's *Drummond of Hawthornden*, p. 235.

than direct hint that is given him of the worthless character of the minions of the Court on whom he is squandering the hard-won taxes of his people : each and all of these were fitted to act sharply and to tell impressively on the proud heart of the King.

And so, indeed, might have been its effect had the King ever read or had the Supplication read to him ; but—and this is the strange thing in the subsequent story—the King never either received or perused the Supplication. As concerning a document which was afterwards represented as conveying awful and treasonable insult to the royal ear, and which "for more than thirteen months was in all men's mouths in Scotland," while the life of a nobleman charged with being its promulgator hung in the balance, this is a somewhat singular fact : but fact none the less it is. The Supplication was no doubt intended for presentation to the King, and placed in the hands of Rothes for this purpose ; but either apprehensive as to how the King would receive the Remonstrance, or uncertain as to the wisdom of presenting it, that nobleman allowed the document to remain in his pocket.<sup>1</sup> We have

<sup>1</sup> The fear of personal consequences may have partly inclined the Earl to this course ; for Clarendon tells us that of Rothes and others, at this time, "the King had the worst opinion, and from them he purposely withheld any grace by never speaking to them, or taking notice of them in the Court ; yet when the King was abroad in the fields, or passing through villages, when the greatest crowds of people flocked to see him, those men would still be next him, and entertain him with some discourse, and pleasant relations, which the King's gentle disposition could not avoid, and which made those persons to be generally believed to be most acceptable to his Majesty."—*History of the Rebellion* (1819), i. 138. However this may have been as to the King's personal feelings, it was clearly in favour of his popularity with his Scotch subjects, because Rothes was the recognised leader of the popular opinions, and had the King been thought unfavourable to him the people would have drawn their own conclusions.

two versions from the parties principally concerned as to how far it was actually brought under the notice of his Majesty. The King said that he remembered well the time when Lord Rothes made offer of the Supplication to him, and that his answer was: "My lord, ye know what is fit to you to represent, and I know what is fit to me to hear or consider; and therefore do, or do not, upon your peril."<sup>1</sup> Lord Rothes, on his part, states that after receiving the paper from Lord Balmerino, he read part of it to the Earl of Cassilis and Lord Yester, they "being with him in coach going to Dalkeith," and that they came to the resolution not to present it. If so, his subsequent conduct was not quite consistent with this resolution; for, "having occasion that same day to meet his Majesty at Dalkeith," Lord Rothes in the course of conversation said to him: "Sir, there is a Petition given me presently to be looked upon and considered, which I have in my pocket, which I have according to your Majesty's command suppressed—if your Majesty be pleased to look upon it?" To which his Majesty answered: "It is no matter—I have no leisure—I am going to the park." After this, according to Rothes, the paper remained for eight days in his pocket unlooked on by any one, at the end of which time he returned it, sealed, to Lord Balmerino.<sup>2</sup>

It is clear from the above, that the Supplication was never either presented to the King or read by him. It was returned as a dead matter to Lord Balmerino; and a dead matter it might have remained but for the thoughtlessness or treachery of

<sup>1</sup> *State Trials*, iii. 629.

<sup>2</sup> *Ibid.*, p. 706.

one whom his lordship some months afterwards intrusted with a sight of it. This was Mr John Dunmure, a writer in Dundee, who promised, "as he loved his credit," neither to copy it nor to show it to any man living. But Dunmure failed to observe his promise, and gave the paper to Pèter Hay, Laird of Naughton, who was, says Balfour, "a sworn servant to the hierarchy, and one who much maligned the said Lord."<sup>1</sup> Hay promised, similarly with Dunmure, neither to show it nor to copy it; but the promise was no better respected in the one case than in the other. Going through Fife some five weeks afterwards, Dunmure called at Hay's house, and "craved back the paper with great earnestness;" whereupon Hay said, "Trittle-trattle, ye need not be so curious; there was a gentleman at my own table told me that there were three copies going through Fife." The mischief had indeed by this time been done. Hay had treacherously made a copy of the paper, and given it to Spottiswood, Archbishop of St Andrews, who, seeing what a powerful weapon it placed in his hands, at once posted off to London, and communicated the matter to the King. This was in the spring of 1634. The

<sup>1</sup> Hay appears to have been before this a recognised supporter of the party of the bishops. In a letter from King Charles to the Bishop of Ross, of date 12th July 1626, his Majesty says: "You shall desire Mr Peter Hay of Naughton to deliver his book to be perused by the Archbishop of St Andrews and you; and when you have reformed such things as you think fitting, that you cause put the same to the press and publish it. You shall certify the said Peter from us, that we have notice of his good service done to our late dear father, and of his ability and sufficiency to serve us; and when fitting occasion shall offer, we shall not be forgetful, but have a care of his preferment."—Balfour's *Annals*, ii. 145. The fact of Dunmure giving the Supplication to a man of Naughton's opinions, with which he could not fail to be acquainted, adds much to the treacherous aspect of his conduct.



King's meditated revenge upon the dissenting Lords had hitherto failed of an occasion to act ; but here was the opportunity at last, and a Commission was accordingly sent down in the beginning of June, empowering Spottiswood and six others to examine Lord Balmerino.<sup>1</sup>

Meanwhile, William Haig had heard that his Supplication was no longer a secret ; and a few days before Lord Balmerino's examination, confessed in private conversation with Mr Mark Cass, writer in Edinburgh, that he was the author of the document, stating at the same time that both Rothes and Balmerino knew of the paper, which was to have been presented to the King. On Saturday, 7th June, two days before that fixed for Balmerino's examination, Haig called upon that nobleman, and asked him by what warrant he had been cited before the Commission ; whereupon Balmerino took the warrant out of his pocket and showed it to him. Haig seems at once to have made up his mind what he must do. If he remained in Edinburgh till after Balmerino's examination, escape would then be impossible ; and, with the evidence adducible against him, he was certain to fall a victim to the revenge of the King and the bishops. Accordingly, his friend, Mr Cass, being in Newbattle Kirk on the following day, at the Communion, " Mr Haig sent a boy to him before the ending of the sermon in the afternoon, and desired him to come out to him." Cass did so, and met Haig in the Hall of Newbattle ; but the

<sup>1</sup> The Commission were — Spottiswood, Archbishop of St Andrews ; the Earl of Morton, Treasurer ; the Earl of Traquair, Deputy-Treasurer ; the Earl of Roxburghe ; the Bishop of Brechin ; Sir John Hay, Clerk-Register ; and Sir Thomas Hope of Craighall, Lord Advocate.

latter said nothing there, nor till they had walked out to the green at Newbattle, when he told Cass that he had resolved to go to the south country, adding that he would return shortly. He then gave Cass instructions as to certain matters of business; among others, as to the disposal of 20,000 merks which he had received on the previous day from the Earl of Roxburghe, to whom he had disposed the lands of Maxwellheugh.<sup>1</sup> Of this sum, 4000 merks was to be "lent" to Lord Balmerino, 7600 merks to the Earl of Lothian, and the remainder to be disposed of otherwise. All which instructions, Cass in due time faithfully carried out.

That same evening Haig proceeded to Bemersyde, where he left the keys of his chamber and trunks with his nephew Thomas Haliburton of Dryburgh, who at this time occupied Bemersyde House, with instructions to deliver the same to Lord Balmerino should the latter desire to make use of them during his absence. He then made his way into England, probably travelling for safety by night, as it was about ten days before he reached Yarmouth, a seaport on the coast of Norfolk. Here he took ship for the Low Countries, and after a tedious passage of three days and three nights arrived about the 26th of June at Campvere—at that time a place well-known to Scotchmen, as being the port where all Scotch merchandise required to be unshipped, and first sold, before being sent into the interior of the country. From there, he proceeded within a few days to Amsterdam, and thence to Groningen, in West Friesland, the town in which his nephew

<sup>1</sup> *Ante*, p. 187*n*.

David Haig resided, as also his kinsman, Mr William Macdowell, President of the Council of War in those parts. So far William Haig had made good his escape from the immediate consequences of his unfortunate Supplication.

But what of Lord Balmerino? As commanded, he appeared before the King's Commission on the 9th of June, and there admitted that the paper in the hands of his examiners was a "just copy" of that which he had given to Dunmure. He also stated that he had received the principal from Mr William Haig, "who he thinks was the author thereof;" but denied that he gave Haig any "warrant" for drawing up the said paper. This was in the way at least of bringing the authorship of the paper home to one of the dissenting party; and probably in hopes of the speedy apprehension of Haig, Lord Balmerino was allowed by the bishops to go away free for that day. But subsequent search showed them that Haig was not to be found; and accordingly, a week afterwards, Lord Balmerino was again summoned before them, and among other charges made against him was that of conniving at the escape of Haig, the alleged author of the paper. This his lordship denied, stating that he first heard of his escape on the previous Wednesday as he was going to Buccleuch's funeral,<sup>1</sup> when a man of Lady

<sup>1</sup> This was Walter first Earl of Buccleuch. He died in London in the December previous, when the body was embalmed for removal to Scotland; but in consequence of the ship that was conveying the remains thither having been caught in a storm, and driven on to the coast of Norway, the remains did not reach Leith till the end of May. After resting twenty days in the church there, the body was removed on the 11th of June to Branxholm, a splendid procession of nobles and others escorting it thither, the funeral being finally

Yester's told him that Mr William Haig had gone out of the country. On his "back-coming" from the funeral, he had received from his lady a letter from Mr Haig, without either date or place, and which letter he delivered to the Commission. This letter, as subsequent proceedings show, conveyed to his lordship a written acknowledgment that he, William Haig, was the author of the paper in question. But an "acknowledged" authorship was nothing to the bishops, if the author himself was beyond their reach : therefore, determining to have at least one victim, they immediately ordered Balmerino's apprehension, and had him conveyed a fast prisoner to the Castle. "From June," says Balfour, "the business was continued until the month of July following ; and then for divers days it was eagerly dispute, during which time the Lord Balmerino, as if he had been some notorious malefactor, was conveyed daily by a guard from the Castle to the Tolbooth of Edinburgh, and, after the Court rose, with the same guard returned there again. Then, by a warrant from the Court, which the bishops had purchased, finding him likely to escape their hands, and until they had laid surer traps for him, the business was delayed until the 10th of November following."<sup>1</sup>

While these proceedings were going forward, the whole country was ringing with the subject. That a nobleman who was known not to be the author of the paper in question, and who had simply observed an honourable secrecy with regard to a document

effected at Hawick.—See *Ancient Heraldic and Antiquarian Tracts*, Edinburgh, 1837.

<sup>1</sup> *Annals*, ii. 217, 218.

which had been intended for presentation to the King but was never presented, should thus have his life placed in jeopardy at the instigation of a few clerics, seemed a monstrous perversion of the law, and an alarming encroachment upon the liberty of the subject. "The people," says Malcolm Laing, "had long felt that the administration was partial and corrupt; but the nobility now discovered that there was no protection for themselves from the resentment of the prelates, and the power of the Crown. Whatever secret cause of offence existed—a speech or a petition, an expression of discontent or grievance, casually heard, and concealed from motives of compassion or honour, might furnish a pretext for their own destruction."<sup>1</sup> And not only had the apprehensions of the nobility been awakened, but all the latent religious prejudices of the people were aroused by this attack, levelled immediately at Lord Balmerino, but through him at the entire system of Presbyterian worship and polity. Against the people, on the other hand, were the bishops, strong in all the influence and support which the Crown could give them, and backed also by certain of the Scottish lay lords who cared less for the nation than for their individual standing with the King. Chief among these was the Earl of Traquair, a man who, from first to last of his career, was vacillating and uncertain, never being fully trusted even by his own colleagues; and who, with a kind of poetical justice, marred himself in the long-run, after many shifts and turnings, by his mistaken adherence to Charles when Charles was no longer able to serve him.

<sup>1</sup> *Hist. of Scotland*, iii. 107.

William Haig, in the interim, had not been idle. Both from Bemersyde and Yarmouth he had written letters exculpatory of Lord Balmerino; and on his arrival at Campvere, the first use he made of his time was to address letters with the same object to the Earl of Traquair, Lord Lothian, and Lord Balmerino. The only one of this first despatch of letters which has been preserved, is that addressed to the last-named nobleman.

*To the right honourable my singular good lord, my Lord Balmerino, These at Barnetown; to be sent to him by Mr George Lawson, or Adam Watt, writer in Edinburgh.*

MY LORD,—Now that it has pleased God to bring me safely through the seas, though slowly (in three days and three nights from Yarmouth), to this place, I begin with these to pray your lordship either to use your talent to get me home otherwise, or to give vigour to that way I wrote to your lordship from Yarmouth. I thought it fit to be taken to get a compendious way to an end of my troubles by their means who for private respects have given the name of a crime to that Supplication; which, though I cannot deny the penning of, yet would not have brought to me any inconvenience, if it had either been used as once intended, or, after changed of purpose, kept from those base bodies that put it into the hands of such as have been able to make hard constructions of it. And seeing for whatsoever I now suffer in my private fortune, in my weak body, or in my name, by the contrivance or knavery of Mr John Dunmure, I may justly blame your lordship; I do here adjure your lordship, by the persuasion I have of your own integrity, of your honourable mind and goodwill to me-wards, and by your knowledge of the pains I have ever been willing to take for an ingenuous furtherance of all that concerns

my Lord of Somerset amongst us,<sup>1</sup>—even to take pains to obtain me a remission for doing that which is termed a crime, and that by means of those that have termed it so ; and make them sensible that it shall be more for their credit so to make an end of the business, than to drive me to such defences and apologies as the publishing of will gall them more than the blazing of the Supplication. Withal, it may please your lordship to represent to my Lord of Rothes, and such other honest men as I know did once approve that Supplication, that since a hard character is made of it by those that have wrested in the King's ire the sense of it, they should do right both to themselves, their prince, and country, by another Petition to represent that whereas they intended to have delivered to his Majesty the foresaid Supplication by such as did dis-assent to that Church Article, and changed purpose because the paper could not hold all their subscriptions, and other good respects, very compatible with their most humble duties to their Majesty ; yet, since the foresaid Supplication has come to his Majesty's hands by such as have made wrong constructions of it, therefore to conclude craving humbly that his Majesty would give them leave to be interpreters of their own language, and the desire of their Petition (for the reasons it containeth), which is, that no private respect, but mere affection to his Majesty, did rule their whole carriage in the late Parliament.

But in this I submit my desire to your lordship and their judgment and pleasure. Howsoever, since I suffer for that which truly had their allowance, I think they are in honour bound to use discreet means to relieve me of this cross—at least to help my poor estate in some measure to bear out the burden of it. I suffer enough in the toil of my body and wounds given to my name, [even] though

<sup>1</sup> To the last William Haig seems to have continued to interest himself in the fortunes of Somerset. Lord Balmerino was married to a sister of this nobleman, and is said to have assisted him by becoming his security, and paying the encumbrances on his Scotch estates. In this work of benevolence, he was evidently supported by William Haig, who was thus curiously mixed up with the fortunes of both. Somerset outlived Haig, and died in 1645.

your lordships amongst you free me of all the charges that will be inevitable to me in this course. A little help from each honest man that will possibly pity me, would do this business. Thus your lordship may see there lieth a heavy burden on my stomach, when it is brought so low as to beg ; yet I shall rather starve than discover so much to any other than your lordship, to whom only I can lay open the silly and low thoughts that misery, and the fear of it, may bring to, my lord, your lordship's most respecting servant,

WILLIAM HAIG.

Camphire, June 27, 1634.

*Postscript.*—Whatsomever bonds are in moneys in my behoof, I do not think one groat thereof mine till my Lord Yester be satisfied ; which will be easily done (upon the grounds I have sent a note of to Mark Cass), if your lordship move him to a submission (wherein Mark Cass and Thomas Haliburton shall take burden for me) ; but we shall never end otherwise.<sup>1</sup> Pray my Lord of Rothes to help your lordship to induce him to a submission to any that your lordship and he can condescend upon ; and tell him of his old letter to my Lord of Ancrum, That he should settle with me at any man's sight I liked. But get him to a submission in writing for his good as well as mine : for if God please to call me, he will find that he shall not make so good a condition as he may do now.<sup>2</sup>

This manly and candid letter is immediately followed by another to Lord Balmerino, addressed from Amsterdam a few days later, in which the writer evinces a certain Scotch *pawkiness* in the management of his English gossip.

<sup>1</sup> In addition to certain other money transactions between Haig and Lord Yester, to which this letter may refer, the latter at this time continued to hold the right of reversion to the estate of Bemersyde, which he received in 1627.—*See ante*, p. 181 ; also note on p. 218 *infra*.

<sup>2</sup> *State Trials*, iii. 699.



*To the right honourable my singular good lord, my Lord  
Balmerino, These, at Barnetown.*

MY LORD,—Just as I had done closing of my letters written to your lordship, with others, at Camphire, the Conservator newly arrived here from London<sup>1</sup> came to my chamber in ane inn kept by his mother-in-law: and hearing I was arrived there from Scotland, was very curious to ask news. And because I could tell him nothing, [he] at last, wondering, asked me by way of question, If I heard nothing of a petition, which a number (thirty-five, said he) of lords had resolved to give to the King, craving a relief of the Act made in the Church business, and a discharge of any further payment of taxations. I laughed, and told him that I durst assure him there was no such matter. That cannot be, said he, for I have this from such as has best intelligence about the Court; and have seen a letter, bearing under the hand of one of the Commissioners, that they had had my Lord Balmerino that day before them, who had behaved himself very modestly, and was to be before them the next day, when they hoped to get good satisfaction in all they were about. Then I answered, I heard your lordship was called for by some of the Council, but had not learned, nor so much as asked, for what; and that the Council might have many things ado with your lordship that I was ignorant of, and could not in good manners inquire. I protest, said he, that is a business in all men's mouths about Court; and I wonder, said he, you have not heard of it. I have not truly, said I. And so we left that theme and drunk together; and within a quarter ane hour after, I left that town, and [sent] to one Alexander Speir, a factor in it, a packet to Mr Robert Bruce; under whose cover there is a letter of the 27th of June to your

<sup>1</sup> In former times, an extensive trade was carried on between Holland and the ports of England and Scotland. In Innes's *Scotland in the Middle Ages* (pp. 240-50) will be found some interesting records of that trade between 1493 and 1503, extracted by him from a ledger which belonged to one Andrew Haliburton, who was "Conservator of the privileges of the Scotch nation at Middleburgh," in the province of Zeeland. The "Conservator newly arrived from London," as referred to above, probably held at this time some analogous guardianship of English privileges at the port of Campvere.

lordship, the contents whereof I will not repeat here, but beseech your lordship to have respect unto it, as well in so far as it beseecheth your lordship to use your talent for shortening my troubles, as in the care I humbly beseech your lordship to take to induce my Lord Yester to a submission, without which there is no hope of any conclusion with him. I will long to hear from your lordship what posture this business works itself unto, and what success I may expect in the way I am contented be taken to end my troubles, by their means that has occasioned them. Thus having nothing to say but what I have formerly written, and beseeching your lordship not to be *sweer*<sup>1</sup> in writing to me (under cover to my Lord of Auton, James Howstoun or James Wright, merchants in Amsterdam, or to Alexander Speir in Camphire, or to William Murehead by the way of London), I crave leave, and rest, my lord, your lordship's most respecting servant,

WM. HAIG.

Amsterdam, July 1, 1634.<sup>2</sup>

Two other letters are preserved, both addressed to Lord Balmerino, the first from Groningen, on the 10th July 1634, and the other on the 1st August following. These letters, while necessarily alluding to the main subject of interest between the two correspondents, are chiefly devoted to explanations with regard to certain matters of professional business with which William Haig had been intrusted previous to his departure.<sup>3</sup>

In the meantime, the bishops, as Balfour puts it, had so far perfected the "laying of their traps" that the process against Balmerino had been completed. On the 11th of November, a strongly-worded "dit-tay," or indictment, was directed against him by Sir Thomas Hope of Craighall, Lord Advocate—

<sup>1</sup> Slow, reluctant.

<sup>2</sup> *State Trials*, iii. 700.

<sup>3</sup> See Appendix No. IX.

himself personally a sympathiser with the popular party. This indictment presents an extraordinary specimen of misapplied legal vituperation. Bearing in mind the temperate and deferential tone of the Supplication, it is surprising to find the terms in which it is described by the Crown prosecutors. It is spoken of in a breath as a "scandalous, reproachful, odious, infamous, and seditious libel," full of "false calumnies and public scandals," and conceived by the "malicious heart of the penner in ane most bitter, invective, and viperous style." Its reproaches against the sacred person of the King are stated to be "most despitefully belched and vomited forth," and the writer described as of a "devilish humour," and of a "curious and furious brain," he leaving "nothing in this our kingdom which is not drawn within the scourge of his devilish and malicious pen and tongue." "Such devilish, reproachful, scandalous, and seditious thoughts would," it says, "infect the very air;" for which reason "our good subjects are bound in conscience to crush the cockatrice in the egg, and to abhor it as a pestilential clout."<sup>1</sup>

This passionate indictment, in the drawing-up of which it might be suspected from its exaggerated violence that some of the divines had had a hand, was the subject of a long and intricate legal debate, during which counsel on both sides, with many replies, duplies, and triplies, discussed the question of its relevancy in all its bearings. This discussion extended over sixteen days, at intervals between 3d December 1634 and 18th March 1635. In the end, the indictment was found, under the law of

<sup>1</sup> *State Trials*, iii. 595-603.

“leasing-making,”<sup>1</sup> to be relevant in so far as Balmerino had (1) concealed the libel, (2) connived at the escape of its author, and (3) been art and part in its authorship. The last finding had reference to the trifling fact that in the copy of the Supplication which Balmerino gave Dunmure, there were a few words interpolated in his own hand.

On Friday, the 20th of March, the trial began in earnest. It was believed that the judges—of whom the President was a son of Archbishop Spottiswood—were unfavourable to the accused; that the assessors of the Court were on the side of the bishops; and that the Earl of Traquair had arranged to have a packed jury placed in the box. In view of this last circumstance, therefore, it did not surprise Lord Balmerino’s friends that, when the jurymen were being empannelled, nine of them, with a single exception, were ineffectually challenged; and when Traquair himself was called as one of the jurors, it was felt that the conclusion was all but foregone.<sup>2</sup> Nevertheless, there was great excitement outside as to the issue of the trial. Men met in companies, to pray for the success of Balmerino, and for a plague to light upon his enemies; and when at a late hour the jury retired

<sup>1</sup> Under the statute of leasing-making—“that mystery of iniquity in Scots law,” as Hallam describes it—it was, among other things, made treason “to utter, or to conceal when heard from others, in sermons or familiar discourse, any false or slanderous speeches to the reproach of the King, his Council, or their proceedings,” etc. —Hallam’s *Constitutional History of England*, iii. 422, 430.

<sup>2</sup> The jury were: William Earl Marischal, James Earl of Murray, William Earl of Dumfries, Mungo Viscount of Stormont, John Earl of Lauderdale, John Earl of Traquair, George Lord Forrester of Corstorphine, James Lord Johnstone, Sir Alexander Strachan of Thornton, Sir Robert Grierson of Lagg, Sir John Charters of Amisfield, Sir Alexander Nisbet of West Nisbet, Sir Patrick Agnew of Lochnew (Sheriff of Galloway), Sir James Baillie of Lochend, and John Gordon of Buckie.

to consider their verdict, crowds hung round in painful suspense awaiting the result.

Traquair's success in packing the jury had not been so complete as he had intended, or may have had reason to expect. The verdict was not arrived at without much argument and opposition, the Earl of Lauderdale in particular most strenuously contending against Traquair for the innocence of Lord Balmerino. The debate continued from between eight and nine o'clock in the evening till nearly four next morning, Lauderdale declaring that he would maintain in the presence of any prince that the paper in question was no seditious libel. Lord Murray, says an old writer,<sup>1</sup> hearing their wordy protestations on the law of the question, burst forth: "I have no pen and inkhorn terms of law; but, upon my salvation, I hold my Lord Balmerino as loyal and faithful a subject of our master as any he has; and although my head should go with his, for all the world I would not fyle<sup>2</sup> him."

Opinion among the jury was sharply divided, and every point in the indictment keenly disputed. The evidence adduced at the trial had been so palpably defective, that even some of those who entered the jury-box with a determination to convict, could scarcely have failed to observe that the chief object in arraigning Lord Balmerino on a capital charge was to gratify the slighted dignity of the King and to procure a victim for the revenge of the bishops, the alleged offence being of the most shadowy construction, and one for which no man's life ought to have been placed in jeopardy. And one was among

<sup>1</sup> Father Hay, *Genealogie of the Hayes*, p. 98.

<sup>2</sup> Foul, or convict.

them who had learned by bitter experience the fearful responsibility of shedding innocent blood. Long before—more than forty years ere this time—shortly after King James had brought his young Queen over from Denmark, there were whispers about the Court at Holyrood that she loved not the King the best.

The bonnie Earl of Moray,  
He played at the glove;  
And the bonnie Earl of Moray,  
Oh, he was the Queen's love.

The whispers had only to reach the King's ear, and there were a hundred enemies of the "bonnie Earl" ready to do the royal bidding. One dark night in February the hostile Gordons surrounded his house at Donnibrissle, on the opposite side of the Forth, and in the light of the burning tower the Earl was tracked as he escaped towards the shore, and there, among the rocks beside the sea, the hand of Gordon of Buckie dealt the fatal thrust. This same Gordon, now an old man, depressed by age, and age's gloomiest companion, remorse, was on Lord Balmerino's jury, and he could not let that nobleman's life be sacrificed without one appeal in his behalf. He had been counted upon by Traquair as "a sure hand," and therefore his earnest and pathetic address excited the more surprise. He entreated them to consider well what they did: it was a matter of blood, and as such would lie heavy on their souls as long as they lived. He had in his youth been drawn in to shed innocent blood, for which he had obtained the pardon of the King; but many a sorrowful hour had it cost him, both night

and day, ere he obtained forgiveness from Heaven. And as he spoke, the tears ran down his furrowed cheeks.

The jury were touched by this impressive appeal. But Traquair was not to be balked of his prey, and as chancellor of the jury, pressed for a conviction. At length, at four o'clock in the morning, a vote was taken, when it was found that the jury were equally divided; it lay therefore with Traquair as chancellor to give the final vote, which he did against Balmerino. The seven who voted for acquittal were Lords Lauderdale, Murray, and Forrester, Sir James Baillie, Sir John Charters, Grierson of Lagg, and Gordon of Buckie. The condemning jurors were Lords Traquair, Marischal, Dumfries, Stormont, and Johnstone, Sir Alexander Strachan, Sir Alexander Nisbet, and Sir Patrick Agnew.<sup>1</sup>

The verdict was given in to the Court a little before six A.M., and a most unseemly haste was displayed to have it consummated. Sir John Hay, the clerk, "with nimious diligence," and without the advice of the proper officials, ordered the doom to be written out, that Balmerino "be taken that day, being Saturday afternoon, to the Market Cross of Edinburgh, and there his head be stricken off." Objection was taken to this precipitancy, but Sir John and the Lord Justice Spottiswood contended it should be done that day, and that all the prisoner's moveables should be confiscated to the King. This contention at the bar went on till eight o'clock, when the Lord Advocate, being called, stopped that course, by expunging from the doom the words "all his

<sup>1</sup> *Genealogie of the Hayes*, p. 99.

moveables," such confiscation being, in his opinion, beyond their powers under the verdict. Traquair by this time was wavering, and took the opportunity thus offered to advise that sentence be pronounced, but that execution be stayed till his Majesty's further pleasure be known. This, after some demur, was agreed to, and Balmerino was sent back to the Castle to await the issue.<sup>1</sup>

The postponement of execution was greatly against the mind of the bishops, who, says Balfour, "raged like a tempestuous sea thereat." The people, on the other hand, while infuriated at the verdict, and even threatening, if Balmerino were executed, to avenge his death on the eight condemning jurors, were yet in a degree pacified by the delay, declaring that the King "would never take any man's life, much less a nobleman's, who had seemingly lost it by one vote only."<sup>2</sup> Seeing how matters were likely to go, Traquair posted off to London, told the King that Lord

<sup>1</sup> *Ibid.*

<sup>2</sup> As was not unusual on such occasions in Scotland, the people gave vent to their feelings with regard to the jury in a series of rhymes, complimentary of those who voted for acquittal, and the reverse in the case of those who voted for conviction. Father Hay has preserved the whole in the Appendix to his *Genealogie of the Hayes*. The following may be taken as specimens of the rhymes written against the condemning jurors :

*Marischal.*

Marshall was first that wandered from the light,  
A senseless man could do no more by night.

*Agnew (Sheriff of Galloway).*

Poor Galloway lords, prepare you for a cord,  
Your Sheriff's grace can cast a sackless \* lord.

*Traquair.*

Where life and death were equal, vote for vote,  
In came Traquair for death, and coost † the lot.

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\* Guiltless.

† Cast.



Balmerino was in his hands, but that it would not be advisable to carry the sentence into execution. The King at length was pleased to issue a pardon ; and Balmerino, after thirteen months' imprisonment, was once more at liberty, but ordered to confine himself within his own estate in Fife.

Thus the matter for the time ended ; but the King and the King's cause gained nothing thereby. The people reflected that his Majesty had only conceded Balmerino's life when he no longer dared to carry the sentence into execution ; and Traquair, as is usual with men of his character, was blamed both by the people and the bishops.<sup>1</sup> Nor did the King cease to obtrude his detested innovations upon the religion of the country ; the opposition to his ill-fated policy culminating three years afterwards in that central instrument of the Scottish resistance, THE NATIONAL COVENANT. But these further events belong, not to ours, but to the page of national history.

William Haig survived these occurrences for four years. Mylne says that when he escaped abroad "he left much money behind him ;" and we have already seen that he was in possession of considerable sums immediately previous to his departure. But shortly after his escape he was denounced rebel and put to the horn, his goods being forfeited as escheat to the Crown. Thus deprived of his resources, he must have been poor enough. His per-

<sup>1</sup> "All Traquair's great undertakings, howsoever he came to Court, turned into smoke, and vanished quite. Fear of the King's and bishops' displeasure on the one hand, and [desire for] preferment on the other, did altogether extinguish that professed zeal (if any was in him) to the peace of his native country."—Balfour's *Annals*, ii. 257.

sonal necessity is indeed at this time obvious from the fact that on the last day of April 1635, he grants a bond to his friend and kinsman, Mr William Macdowell, for the sum of 5300 merks—the bond being written at Leyden with his own hand; and by way of security, “seeing I cannot for the present find any man to bind cautioner for me,” he assigns to Macdowell the “bond and obligation of reversion and right of redemption” reserved to him in 1627 by John Lord Hay of Yester, under which the latter, as formerly described,<sup>1</sup> undertook to denude himself of his claim to the estate of Bemersyde, upon William Haig, or his heirs or assignees, paying to his lordship the sum of £10,000 Scots. To the fortunate circumstance that this right of reversion over Bemersyde was still in 1634 in the hands of Lord Yester—one of the dissenting lords, and friendly to William Haig—may be almost solely attributed the preservation of the estates to the family at this time. Had these been in William Haig’s unrestricted possession, it is difficult to see how they could possibly have escaped forfeiture to the Crown as part of his escheat.

William Macdowell further interested himself in his friend and kinsman’s affairs. In June 1635, after the close of the Balmerino episode, we find Mr Macdowell in Edinburgh, accompanied by his nephew, David Haig, when he received, by permission of Archbishop Spottiswood and the Earl of Traquair, the possession of certain deeds connected with the Bemersyde property which had been seized by the Crown prosecutors. At the same time also,

<sup>1</sup> *Ante*, p. 181.

Mr Macdowell procured from the King—but whether by purchase, or otherwise, does not appear—the gift of William Haig's escheat. That a strong endeavour was likewise made to obtain for the exiled man the King's pardon, and permission to return to Scotland, there cannot be a doubt; but in this matter all efforts were unavailing.<sup>1</sup>

Of the remaining years of William Haig's life, we have few traces. He appears to have moved about from town to town in the Netherlands, sometimes residing a few months in one place, sometimes in another. Latterly, these journeys would seem to have been made in search of health—such health as an old man of seventy might hope to obtain. We have one letter, and one only, belonging to this period of his wandering and exile. It must have been written but a few months before his death, which there is reason to believe took place in the early part of 1639. It is unimportant of itself, and affords but a meagre glimpse into his condition; yet as the last which we have from his notable pen—possibly

<sup>1</sup> From an official inventory of the papers which Mr Macdowell at this time received possession of, we find that they were chiefly the charters and other writs under which William Haig held the Bemersyde property. In his letters to Lord Balmerino in 1634, it is observable that Haig discovers great anxiety as to Lord Yester's transactions with him; and from a document among his papers, before referred to (pp. 125, 126), it would appear that this anxiety was occasioned by certain pecuniary claims on the part of Yester which Haig was not disposed to admit. After the escape of the latter to the Continent, Lord Yester was evidently at the first disinclined to accommodate himself to his friend's difficulties; and in the paper in question Haig refers to this, stating that though "there had been many private trusts and dealings between himself and his lordship to which his (Mr Haig's) heirs and assignees were strangers," yet none of these was "such as to hinder the said heirs from claiming their right to the reversion of the estates of Bemersyde." Happily, Mr Macdowell and David Haig, on the occasion of their visit to Scotland in 1635, appear to have effected an amicable arrangement with Lord Yester, the effect of which we shall shortly see.

the last he actually wrote, and hence tenderly preserved—we give it here, such as it is.

*To my very loving and worthy Friend, Alexander Abernethy,  
at Groning.*

WORTHY AND LOVING FRIEND,—Before I undertook my last journey thither, I had entreated a friend, if he went to Leyden before my return, to take with him a press wherein are all my books and papers, and prayed my hostess to give it to him whensoever he called for it, which she did ten days before I came here: So as I cannot send to you so soon as I intended the waste papers which I promised you, and because I am not able to stir from here till I get answer to what I have at this time written to the Reichscoll.<sup>1</sup> I must pray you to solicit him to hasten it to me, for the longer I stick here the more I consume myself in expense, and have the displeasure to see myself disappointed of the good I imagine to be able to do to my present condition in that place. This hoping you will do for me, I rest,

Your loving and servyable friend,

WILLIAM HAIG.

Amsterdam, 18 Decemb. 1638.

Whether William Haig ever proceeded to Leyden, as he seems at this date to have intended, or returned and breathed his last among his friends at Groningen, does not appear. But however this may have been, we would fain think that his last hours were consoled by the many near and dear

<sup>1</sup> That is, "Reichscollegium," or the "collegie" of the States for the theological students at the University of Leyden. This "collegie" does not now exist. William Haig may have had thoughts at this time of attaching himself to this institution for the advantages afforded by its library, etc. He had had a previous connection of this kind with it, as his name appears in the register of that University for 1635: "Gulielmus Haig, Scotas, 49, J[uris] Cand[idatus] Rectore Johanne Polyandro, ao. 1635, albo nomen dedit."

friends whom he had about him in that land of Scottish exiles, and that the troubled course of his later years was softened towards its close by their kindly ministrations. He had lived a chequered life, yet an honourable one withal. A man of high courage and clear principle, large-brained and large-hearted, with a fiery impulse to act in the line of his convictions, be the issue to himself what it might. His prime of life was clouded by a most unhappy strife with his brother; yet whatever of this may have been due to faults on his own part, he made ample amends for the same in after years by his services to that brother's widow and family. Take him in all, William Haig was a man of much intellectual and moral worth; sincere in his love of public justice, and earnest in his advocacy of constitutional rights: in these latter respects the very antithesis of the crowned Charles who drove him into exile. Many strange thoughts he must have had in those last days of his wanderings; but whatever of bitter may have mingled with his recollections, as he reflected on how he had sought to serve his country and how he had been requited, let us hope he had also his serener moments, in which the sense of duty done and good attempted was to him its own exceeding great reward. Of the many who in his day did useful work for their country and their kind, in despite of evil reproach and cruel persecution, none did that work, such as it was, with a more manful spirit, and a truer heart, than WILLIAM HAIG OF BEMERSYDE.

## CHAPTER IX.

1636-54.

**Family circumstances—XX. DAVID HAIG, 1636-54 :** his residence in Holland—Chosen by his uncle William Haig as his heir—Receives disposition of Bemersyde estates—His marriage, and return to Scotland—Sells a portion of the property—Redeems the remainder of the estate—Resides at the Thrid of Bemersyde—Its locality and scenery—His character—Curious contract with his blacksmith—Changed aspects of Border life after the Union—Harassments during the Protectorate—Heavy taxes on proprietors—David Haig's will—His death.

FOR many years after the death of Andrew Haig, the eldest of the ten sons born to James Haig and Elizabeth M'Dougall, the house of Bemersyde was in a condition of disorder and distress, the estates in the meanwhile being retained by William Haig in his own possession. The misfortunes of the family, joined to the impossibility, in the changed state of the country consequent upon the Union of the Crowns, of so many grown-up sons finding occupation at home, had further conduced to their being scattered abroad, and almost altogether lost sight of. Robert, the second son, had passed into the service of the Earl of Mar, and was now settled permanently at Throsk, in

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Stirlingshire. James, the fourth son, had left home to follow his fortunes as a soldier in the Low Countries; but of his after fate nothing is recorded. Others of the elder sons had in all probability found similar occupations, though the family records are silent respecting them. Of David, the seventh son, we have, however, distinct information, as we find him living in 1635 at Groningen, in Friesland, North Holland, with his maternal uncle William Macdowell, President of the Council of War under the States-General. David Haig was at this time about twenty-five years of age, and it may be inferred that he held some military employment under his relative the President. His youngest brother, Frederick, was also resident in Holland till 1639, the year of William Haig's death, when he went to the East Indies, and is thence lost sight of.

It was not an unreasonable consequence of David Haig's residence in Holland at the time William Haig escaped thither in 1634, to expect that the estates should be gifted to him in succession to his uncle. And this is what we find actually took place. In 1635, William Haig, as we have already seen, received from Mr Macdowell the sum of £5300 Scots upon his personal bond and obligation, he at the same time assigning to the lender, by way of additional security, the bond of reversion and right of redemption over the lands of Bemersyde granted to him in 1627 by John Lord Hay of Yester. In making this assignation to Mr Macdowell, there was evidently a distinct understanding on the part of both the assigner and the assignee as to the ultimate destination of this valuable

power of redemption over the Bemersyde property. William Haig must shortly after this time have become all but hopeless of obtaining permission to return to Scotland, and being an old man, and unmarried, it was only natural that he should desire to see the ancestral possessions return to one of the family of that brother from whom he himself obtained them.—the more so, that his further personal connection with the estates may have become not only a matter of indifference to him, but actually hazardous to the succession. To which of the surviving members of that family the estates should be gifted, might be matter of accident or inclination; but circumstances strongly concurred in pointing out David Haig for this honour. He was held in high esteem by his maternal uncle, William Macdowell, as well as by William Haig; his career was open to the inspection of both; they could test the qualities of his character, and judge of his fitness for the trust to be reposed in him; and though others of his elder brothers might have in one sense a prior claim, yet all of them had long since been lost sight of, away out in the world fighting each for his own hand, and possibly having little disposition to take upon them the honours of the family inheritance, burdened as that inheritance was with debts and difficulties innumerable. It was accordingly decided that David Haig should succeed his uncle in the Bemersyde property.

In 1636 the heir-apparent of Bemersyde married a Dutch lady of good birth, Hibernia Scholes, described as the niece of John Christopher Scholes, her mother being Elizabeth, daughter of Maxi-



milian Earl of Hohenzollern. She was the widow of Anthony Gunter Prott, a son of the Chancellor of Oldenburg, to whom she had been married in 1631, and by whom she had one son, Bernhard Johan Prott. The contract of her marriage with David Haig has been preserved. It is in Dutch, and written on a beautiful sheet of parchment, with two seals attached. It prefers to be a "contract of marriage between an honourable and noble young man, David Haig of Bemersyde, on the one part, and a noble and honourable lady, Hibernia Scholes, Widow Prott, on the other part: by which it is provided and agreed that the said lady shall, during the subsistence of the marriage, annually bring in (*inbrenge*) or contribute her liferent income—viz., three hundred rix-dollars, together with two thousand gulden, all as allowed to her by the contract of her first marriage, of date 26th June 1631, with her first husband, Anthony Gunter Prott, as also all her other goods already acquired, or which she may hereafter acquire." It is also, among other things, provided that, should her husband predecease her, she shall be entitled to a full third (*terce*) of all the income and revenues of Bemersyde. The deed is dated at the High Church (*Hooge Kerche*) of Groningen, the 16th of September and 27th of October 1636, "the honourable and noble William Macdowell" being a witness.<sup>1</sup>

<sup>1</sup> Among the Bemersyde papers is a copy of the will of the deceased Anthony Gunter Prott, Hibernia Scholes's first husband, which is dated 17th September 1633. It is in German, with a concluding attestation in Dutch. The opening clauses are peculiar:

"It is known to everybody that God the Almighty, who hath created man after His image to His praise and glory, and endowed them with understanding and reason, hath also to each appointed a time to die, though the time and

The marriage probably took place on the latter date; about which time also, as we learn from an extract registered assignation of date 31st October, David Haig received his completed title to the Bemersyde property in the shape of a gift of William Haig's escheat from his uncle Macdowell. The assignation in question states that "Me, William Macdowell, President of the Council of War in the provinces of Groningen, in Frizland, for certain and pregnant reasons, gratitudes, and guid deeds done to me by my nephew David Haig of Bemersyde, whereof I hold me weil satisfied and pleased, and discharges him thereof to have made, constitute, and ordained, and by thir<sup>1</sup> presents makes, constitutes, and ordains the said David Haig, his heirs and donaters, my

hour is unknown; it must therefore be the aim of every Christ-believing man to remember that at any moment he may have to depart, and accordingly to prepare himself, that so he may offer and render up to God an unspotted soul. Which things considering, I, of Christian piety and well-meaning purpose, desire to set down this as my will and *loco testamenti*, for behoof of my surviving wife and child, and I earnestly beg that all who may see it or read it will accept and regard it *pro certo*.

"In the first place, from the bottom of my heart I thank God the Almighty that He created me a rational creature, endowed me with understanding, caused me to be born of Christian and God-fearing parents, and hath from my youth up till this hour graciously protected me from all evil, and of His goodness hath bestowed on me what was necessary for the support of my weak body.

"I also thank my beloved parents, who from my youth up have educated me to piety and the fear of God, and as far as in them lay, under God, protected me from evil and harm.

"I also thank my beloved wife, Hybernies Schoolis, that she hath always lived with me as her husband in the fear of God, in chastity and honour, and by my side hath borne with a good heart and ready will whatever hath befallen me."

The remainder of the deed, which is a lengthy document, gives instructions as to his goods and property, the maintenance of his widow, and the upbringing and education of his son Bernhard Johan; and he appoints as the executors under his will "his lordship the high-born Anton Gunther, Earl (*graf*) of Oldenburg and Delmenhorst, General of the States, and Commander of the City of Groningen," and his own father, Johan Prott, Chancellor to the Earl of Oldenburg.

<sup>1</sup> These.

very lawful, undoubted, and irrevocable cessioners and assignees, in and to the letters in gift of Mr William Haig's escheat, granted by our Lord and Sovereign the King's Majesty, of the date . . . . 1635, and in and to all right competent to my heirs and assignees, as the said gift at length bears." Like the marriage contract, it is subscribed by William Macdowell at the High Church of Groningen, and doubtless formed a specific portion of the marriage arrangements.<sup>1</sup>

Whatever accession of wealth may have accrued to David Haig under this marriage and the conjoint settlements, it was not enough to enable him to clear off the total burdens upon the Bemersyde property. Before he could obtain legal possession, and in order to the complete redemption of the estates, it was necessary that the debt due to Lord Yester, of £10,000 Scots, with the accumulated interest thereon, should be paid. With the view of effecting this, he came to Scotland towards the end of 1637, and in December of that year disposed of the portion of his lands called Nether Mains and Moriden, to his cousin Thomas Haliburton of Dryburgh, the son of his father's sister Margaret Haig and her husband James Haliburton. This portion of the estates had been under mortgage to successive Haliburtons since the beginning of the century, at which time, it may be remembered, the father and grandfather of David Haig borrowed upon this security from George Haliburton the sum of 1800 merks; and David Haig now, instead of further burdening the

<sup>1</sup> The deed of assignation bears to have been registered in the books of Council and Session, in Edinburgh, on the 1st of April 1637.

estates by a new mortgage, resolved to alienate entirely that portion of it already held in wadset by his relative and neighbour. This sale was completed on the 27th December 1637; and with part of the purchase-money he immediately satisfied the claims of Lord Yester; receiving at Dalkeith on the 16th January following, a charter by King Charles I. under the Great Seal, of "the town and lands of Bemersyde," etc., which charter bears that "the said lands and others belonged before to John Lord Hay of Yester, and were resigned by him at Dalkeith for this new heritable infeftment to the said David Haig," who thus became the twentieth Laird of Bemersyde.<sup>1</sup>

Being thus put in possession of the ancient, though now slightly abridged, patrimony of his family, David Haig led thenceforth a quiet and unobtrusive life. His actual residence was still in Holland, which he did not finally quit till 1646. He had evidently resolved upon doing all that was in his power to better the fortunes of his family, and gave more heed to the improvement of his ancestral estate than to the fluctuating and dangerous politics of his time.

<sup>1</sup> On the same date, Thomas Haliburton received a charter under the Great Seal, of the lands of Nether Mains, which are described in one of the deeds relating thereto as "all and haill that part of the mains and lands of Bemersyde bounded and limited as follows—viz., the common high-gate that passes to Dryburgh, called the Bucklesgate, on the east, the lands of Dryburgh on the south, the land called the Woodhead on the west, the dike called Paton's Dyke, and the orchard-yard of Bemersyde, on the north parts, lyand within the bounds and barony of Bemersyde, and sheriffdom of Berwick." The name of Nether Mains was changed by the new proprietor to that of Newmains, which name became thereafter the distinguishing title of that branch of the Haliburtons with which Sir Walter Scott was connected by descent. About one hundred and thirty years from this time we shall find the Haigs unsuccessfully preferring a claim to these lands, founded upon this and some later transactions between the two families.

The year in which he obtained possession of the family inheritance marks a distinguished era in the annals of Scotland, being that in which the National Covenant was drawn up and promulgated; but it does not appear that David Haig took any active part in the all-engrossing controversy, either then or subsequently: and his name has not been found in any of the historical documents of the period. Sir Robert Douglas says: "This David was a steady loyalist, and sincerely attached to the interest of the royal family. After the unfortunate battle of Worcester, he retired to his own house, where he lived privately till he died."<sup>1</sup> But Sir Robert makes a similar statement regarding David Haig's son and successor which is so ludicrously contrary to the facts, that we are disposed to regard the above statement as equally untrue. If any conclusion is to be drawn in such a matter from the immediate antecedents and subsequents of the family, it may safely be affirmed that David Haig was not a loyalist in Sir Robert Douglas's sense of the word; but, on the other hand, that he was a Presbyterian, of the political creed common to the Presbyterianism of the time, though he may have chosen to play a less pronounced part in the current religious contentions than was done either by his uncle before him or by his son after him. That Douglas's account of his "loyalty" is inaccurate, is further shown by the fact that, although David acquired the family property in 1636, he did not permanently settle down upon it till 1646; from the time of which settlement we have distinct traces of him, year by year,

<sup>1</sup> *Baronage*, p. 135.

as living peaceably on his estate, till the period of his death. His previous connections in Holland, likewise, were not of a kind to foster in him prelatical leanings; and it is nothing more than natural to expect that he should have had no very strong sympathies with that party of nobles and ecclesiastics who had driven William Haig to die in exile. What remains, therefore, to be recorded of David Haig's life falls strictly within the lines of family history.

When he finally returned to Bemersyde in the beginning of 1646, he did not take up his residence in Bemersyde House, but in that of the Third—or Thrid, as it is always called in the family papers, and as we prefer to call it—lying within Bemersyde lands, about two miles to the north-east of the principal family residence. Bemersyde House was at this time in the occupation of his cousin, Thomas Haliburton of Dryburgh, who had taken up his residence there about the time of Elizabeth M'Dougall's second marriage. This arrangement had been effected by William Haig as doubtless most convenient for him in the circumstances, seeing that he was unmarried, and that his professional and official duties would necessitate his almost constant residence in Edinburgh. The arrangement seems further to have been, either then or afterwards, made part of the conditions under the mortgage which the Haliburtons held over Nether Mains, as already referred to; though a good deal of obscurity surrounds the latter transaction, which is not made clear even in the papers connected with the litigation which arose out of it in the following century. As regards the occu-

pation of Bemersyde House by the Haliburtons, the above arrangement, at all events, continued to subsist, as we shall find, down to 1680.

The old fortalice of the Thrid, to which David Haig in 1646 brought over his family from Dutchland, was situated at the north-eastern extremity of the estate. Here the lands marched with those of Brotherstone, Whitrig, and Smailholm, on all of which properties were similarly fortified towers, the four keeps standing within a comparatively short distance of each other.<sup>1</sup> This fashion of planting strongholds at the meeting-point of two or more estates was prevalent throughout the Borders, and admitted not only of the amenities of social intercourse, but of a combination of resources well calculated to insure the common defence of the persons and property of the respective families in the case of hostile attack. A striking instance of this is still to be seen on the water of Ellwyn, about five miles north of Melrose, where three lairds' lands formerly met, and where the ruinous towers of Colmslie, Langshaw, and Hillslap (now Glendearg) stand almost within a stone's-throw of each other.

The old tower of the Thrid does not now exist, its site being occupied by the buildings belonging to a farm that still, however, bears the name. At the time of its occupation by David Haig, it would appear to have been much in its original condition as a Border bastell-house, or place of strength; and it is not till the year 1672 that we find his successor breaking out windows in the walls, laying out gar-

<sup>1</sup> All of these four towers are figured in Bleau's *Atlas*, from surveys made in 1608.


dens, and making other improvements with a view to rendering it as a dwelling-place more in keeping with the ameliorated aspects of Border life after the Union. Even in its original condition, it would form no unpleasant residence for a Merse laird of the period. Situated at the foot of the hilly ridge that enclosed the lands of Bemersyde on the north, and far withdrawn from the open vale below, it yet afforded picturesque glimpses of the world beyond: southward, from the green crest of the Eildons, to where the long blue line of the Cheviots broke the horizon; and westward to the heights that marked where the Gala and the Leader sent down their silver waters to the Tweed. In the immediate foreground lay the pleasant fields of Bemersyde itself, the grey turrets of the old fortress standing out above its belt of encircling trees, looking in the golden light of sunset as if the shade of the Rhymer were revisiting its walls, and wrapping them again for one brief while in the mystic glories of Fairyland. On the east the view was shut in by the castled eminence of Smailholm Crag, between which and the Thrid stretched the marshy level of Whitrig Bog and the gleaming waters of Bemersyde Loch, their rush-grown margins the haunt and home of myriad wild-fowl, whose voices answered through the still of the evening to the cry of the plover on the hills, and whose white wings as they wheeled aloft in the light of morning lent the charms of life and beauty to these solitary wastes. But all this is now changed and changing. Whitrig Bog has been reclaimed, and Bemersyde Loch is but the shadow of what it was: only the ever-



lasting hills remain, changeless through all change, the sole unremovable memorials of the Borderland of the past.

We have mentioned that David Haig's acquisition of Bemersyde did not immediately break off his connection with Holland, it being probably necessary that he should remain there for a time, either on account of professional duties, or by reason of his own or his wife's proprietary interests in that country. Here, at Groningen, on the 9th February 1639,—the year of William Haig's death—was born to them their eldest son, Anthony, whose peculiar career shall fill a large space in these pages. He was so named after his mother's first husband, Anthony Gunter Prott—a somewhat singular circumstance in family nomenclature; seeing that, if the usual Scottish custom had been followed, the child would have been named after his paternal grandfather, or some other near relative on his father's side of the house. It may be open to conjecture that in this case there may have been some property succession in view, which led them to give the eldest son of the second husband the name of the mother's first husband, while her son by her first husband was still alive. Two daughters were also born to David Haig in Holland; and the year of his final return to Bemersyde (1646) was marked by the birth of his second son William, whom we shall have frequent occasion afterwards to mention.

Among the family papers of this year a very curious document has been preserved. It is a contract between the Laird of Bemersyde and his blacksmith for the shoeing of his horses, and is drawn up



with such elaborate precision as almost to read like a grave burlesque on the cumbrous machinery of law, with its piled-up verbiage of legal formula. It is duly signed in the presence of witnesses, the smith's "mark" consisting of a huge, tremulous cross, denoting a hand more at home with the sledge-hammer than the pen. It is interesting, also, to note, that of the three witnesses whose signatures are appended to the deed, one is Robert Ker of Greenhead, the second husband of David Haig's mother, Elizabeth M'Dougall.

*Contract between the Laird of Bemersyde and his Blacksmith.*

**I** Daud Haig, laird of Bemersyd, grantis me to be satisfcit and compleit payit be Georg Richartsone, smyth, in Bemersyd, of all dettis, soumis of mony, in all countes of Mr Alexander Hayis buikis, or any vther quhatsumever dettis avand<sup>1</sup> be him to me beffoir this tyme, and dischairgis him thairof be thir<sup>2</sup> presents for ever: And sicklyk the said Georg Richartsone, smyth, hes bund himself for the said caus to scho tua<sup>3</sup> horse to Daud Haig, laird of Bemersyd, his master, of the lairdis ern<sup>4</sup> work frie; and gif he hapin to haif an pleuche,<sup>5</sup> the first yeris work to be frie; bot for the tua horse to be schod, as said is, with the lairdis avin ern<sup>6</sup> work frie, as lang as thay<sup>7</sup> bothe leif<sup>8</sup> together. And for the mair securetie, boithe the saidis parteis ar content and consentis thir presentis to be insert and registrat in the buikis of counsell or session, commissaris buikis of Lauder, or any Judgis competent within this realme,—to haif the strenth of ane act and decreit of any of the saidis Judgis, and thair auctoriteis to be interponit thairto, that letres and executoriallis of horning, poynding, and vairding,<sup>9</sup> may pas thairopon one<sup>10</sup> ane simple chairg of sex dayis only; and to that effect makis and constitutis our laufule

<sup>1</sup> Owing.

<sup>2</sup> By these.

<sup>3</sup> Shoe two.

<sup>4</sup> Iron.

<sup>5</sup> Plough.

<sup>6</sup> Own iron.

<sup>7</sup> That is, the two contracting parties.

<sup>8</sup> Live.

<sup>9</sup> Warding.

<sup>10</sup> On.

procuratoris to compeir for vs, and consentis to the registering heirof in all poyntis *promitten. de rato*. In witness of thir presentis, writin be <sup>1</sup> James Haig in Bemersyd, we haif subscryuit this with our handis at Bemersyd the last day of October the yeir of God jm <sup>2</sup> sex hundrethe fortie-sex yeiris beffoir thir witnesses, Robert Ker of Greinheid, James Haig in Bemersyd, and James Clerk thair.

DAVID HAIG  
of Bemersyd.

✕

Robert Ker, witnes.

James Haig, witnes.  
James Clerk, witnes.

The Mr Alexander Hay named in this deed had, we may suppose, acted in the capacity of factor for David Haig during his absence from the estate, and the blacksmith may have been allowed to get into arrears with the small sums then payable by such artificers in name of rent. But now that the Laird has returned, and assumed the management of his own affairs, payment is enacted from the blacksmith, who agrees, probably in consideration of certain abatements on the part of the Laird, to perform in future a specified amount of work free of charge for all the time the contracting parties shall live together. There are many curious features in the agreement; but what strikes us most, is the circumstance that so trifling a contract should have been embodied in so ponderous a document, with its prescribed registration in the Books of Council and Session, its formidable possibilities of horning and poinding, its elaborate apparatus of legal safeguards. The Laird is as careful to safeguard his rights in

<sup>1</sup> By.

<sup>2</sup> One thousand (*mille*).

respect to the "shoeing of his two horses free," and takes with that view the same precautions, as if the transaction had involved the safety of his whole estate.

This evident incongruity in the transaction may be explained by remembering that the Union of the Crowns introduced into the Borders quite a new system of things. Previous to that event, Might was practically Right, and the vassal of the pettiest baron in the Merse or Teviotdale who disputed his chief's command must have done so at his peril. Hence, as these chiefs gradually became conscious that the old order of things was passing away, and that their ancient privilege of *fossa et furca*, with all its minor adjuncts, must be abandoned for the more equitable arbitration of the Law, in the eyes of which the servant was as his master, it may have been that an exaggerated idea of the powers and processes of that law took possession of their minds, leading them to invoke its assistance alike in the weightiest and the most trivial affairs of life. They saw it only on one side, and that was the side of its immense power; and the love of power being with themselves a kind of transmitted heredity, they were solicitous only that this new force to which they must appeal should be made to compensate them as far as possible for the older personal power which they could no longer exercise. They were inexperienced also in the niceties of law, in the multiform graduated appliances at its command for the enforcement of its decrees; and began by working it as an unskilled engineer might work a steam-hammer, calling into operation to break a walnut the same degree of

power that would suffice to shiver a block of granite to pieces. Moreover, the principle which underlies that old deed of contract between the Laird of Bemersyde and his blacksmith, ludicrous as at first sight the deed may appear, is sufficient to explain not only the particular motives in which it had its origin, but also much of that bitter and contentious litigation between both lords and lairds which is so characteristic a feature of Border history during the seventeenth and eighteenth centuries : for their quarrels, to which they were, as ever, prompt, being no longer referable to the arbitrament of lance and rapier, they eagerly resorted to the only kind of conflict left open to them, till our higher courts of law resounded from session to session with the clangour of tongues over ambiguous wills and disputed marches, rights of succession and thirlage of crops—conflicts that were often in the end more ruinous to the combatants than if they had drawn their weapons upon each other as of old, and fought it out beneath their castle walls.

An expression which is somewhat peculiar occurs twice in the above deed. The blacksmith is taken bound that the horse-shoes shall be of “the Laird’s ironwork ;” which phrase is further emphasised as “the Laird’s own ironwork.” This might indicate, in the absence of other information, that ironstone was at that time worked on the Bemersyde property, or that the Laird had an interest in some ironwork elsewhere. No mention, however, is found of such in the family papers, although there exist a number of references to a stone quarry upon the estate. Or it may have simply meant that while the black-

smith did the work free, the Laird was to supply him with the iron required for it. At all events, it is to be noted that David Haig did occasionally traffic in minerals, as is shown by a postscript to a letter written by his wife's mother from Holland in 1647, in which she suggests that, "if he cannot send the coals to Hastels Smits," wood may be taken instead.

It appears also from this letter, that David Haig's property in Holland was giving him some anxiety, its yield not being forthcoming with such promptitude as might be wished. In this connection, his wife, on the 9th July of the same year, writes a letter in Dutch, a copy of which she had retained, to a correspondent in Holland whose name she does not give, but whom she addresses as her "Very noble, honourable, and worthy, and very dear Mr Doctor." After the usual compliments as to health, and the like, she says : " Mr Doctor, I have received a letter from Groningen, which was written on the 16th of January, from Mr Macdowell, that he has as yet received no money from you. I wonder much that you have not paid in full the little sum, as you may well know that the child John causes us more outlay now, inasmuch as he is at the school five or six miles from us, and he learns there very well. If you do not pay the money you promised when I was last with you at Oldenburg, then the child John will not continue his studies, in which case I will not have the blame with regard to the child, but you shall have the blame, as you may well think my income will not afford such a yearly sum should the money not be obtained from you. Had the child John been here at home, he would have written to you. I

entreat you in a most friendly way that you will pay that money fully, and then shall no expense be spared, and the child John you shall so much benefit.”<sup>1</sup>

The “child John” in whose interest this letter is written, was the lady’s son by her first husband, and he must at this time have been about fifteen years of age. The school “five or six miles from us,” where he was being educated, was no doubt Kelso, which, as we learn from other sources, was at this period the chief seat of education in the Borders. The “child John” grew up to be a gentleman and soldier of distinction on the Continent, having rendered himself of some note by the brave manner in which, in 1672, he kept and defended against the French the strong fort of Bourtange, a pass out of Germany into Holland, of which place he was then Governor under the States-General.<sup>1</sup> With the family of Bemersyde he continued on the most friendly relations, and kept up with them an occasional correspondence. His last letter to his “loving brother,” Anthony Haig, is couched in terms of the greatest

<sup>1</sup> From a letter written to David Haig in 1649 by his uncle William Macdowell, we learn that the name of this “very dear Mr Doctor” was Swart. This letter is sent by “William Glaidstone our near kinsman, being happily here at the Hague.” As to the money due by Swart, Mr Macdowell says he has “entered in process” with him thereanent; and adds: “But Swart plays loose and fast to keep the moneys in his hand, or the rents [*i.e.*, interest] of them; for the principal is laid upon the Province [of Groningen].” The Laird of Bemersyde’s other foreign investments were at this time in an equally unsatisfactory condition, for the writer informs him that “the West Indian is gone to nothing, and you can have a hundred gulden [share] for ten.” Business matters being disposed of, the writer commends his nephew, as also “your bedfellow and children, and all our friends, to the protection of the Almighty;” and adds in a postscript: “My dochter, I hope, or it be long, sall make me a grandfather.”

<sup>1</sup> *O. H. MS.*

affection. It is written from Richerda in 1687, and intimates the death of his wife, who "for more than two years had been sickly," and whom it had now "pleased God Almighty to take in His heavenly paradise, not without great sorrow unto me." She had had no children, therefore "I am left," he says, "an alien in this world, dwelling in quiet upon my lordship." With this, Bernhard Johan Prott, "the child John," the defender of Bourtange, disappears from these records.

With few exceptions, the remaining documents of David Haig's lifetime have to do with the state of civil war and military rule which then prevailed in Scotland. The Army of the Engagement of 1648 having been dispersed by Cromwell's Ironsides, the last shred of hope for the cause of Charles had been shorn away. Almost every county in Scotland was placed upon a military footing, and a heavy monthly "cess of maintenance" was levied in every parish. From the numerous receipts which have been preserved, we find that the amount of this tax levied on Bemersyde estate during 1649 was fifteen pounds and ten pennies Scots per month, but rising in February 1650 to thirty-four pounds fourteen shillings Scots. The fact that these sums are in Scottish and not sterling money, must not mislead us into the notion that the tax was not so heavy as it seems. The value of money is the value of what we can buy with it; and when it is remembered that about this time a mart-cow could be bought for sixteen pounds Scots, and an ox in ordinary years for twenty pounds,<sup>1</sup> the payment of fifteen pounds Scots per

<sup>1</sup> Nicoll's *Diary*, p. 188, and accounts among Bemersyde papers.



month in those days would be almost equal to the payment of that sum in pounds sterling now. According to an Act of the English Parliament of 1654, anent these monthly assessments, the sum ordained to be levied from Scotland for that year amounted to £8000 sterling monthly; while for the year 1655-56 it amounted to £10,000 sterling monthly.<sup>1</sup> Such a tax must therefore have entailed no small hardship upon the landed proprietors throughout the kingdom; the more so that the troubled state of the country not only militated against the general trade and commerce of the people, but rendered the profitable cultivation of the soil a matter of the most extreme difficulty.<sup>2</sup>

Nor was the payment of this burdensome cess the only hardship under which proprietors suffered. There was, in addition, the liability to have one or more mounted soldiers billeted upon them, for whom man's meat and horse meat had to be provided, or a heavy money equivalent substituted. The average sum at which relief from the soldier's presence—even where this was practicable—could be pur-

<sup>1</sup> Nicoll's *Diary*, pp. 144, 173.

<sup>2</sup> "FEBRUARY 1651. Partly by intestine division among our Scots, and by the force, policy, and strength of our enemies the English, this poor land was brocht to open confusion and shame, the English army ramping through the kingdom without opposition, destroying the corns, and raising cess money wherever they went, for maintenance of their army and garrisons."—Nicoll's *Diary*, pp. 48, 49. In consequence of these exactions, the nobles were much reduced, Nicoll mentioning that the lands of the Dukes of Hamilton and Huntly had more burdens on them than they could pay, that Argyll's estates were "drowned in debt," and that many others of the gentry whom he names were in a like condition of poverty. The same writer remarks also upon the great dearth and high price of provisions in 1651, the boll of wheat and oat-meal, which in good years sold for about four pounds Scots, being this year as high as sixteen pounds; barley, in great demand for malting purposes, being as high as twenty pounds Scots per boll—the price of an ox in ordinary years.

chased, was, as the following letter shows, two shillings sterling per day; and it is amusing to observe the *finesse* which the writer uses, apparently with the object of extracting an additional shilling per day from the Laird of Bemersyde.

*For his worthy friend David Haig, Laird of Bemersyde,  
these.*

SIR,—I have sent this horseman to you with these. We are joined with you in the billet for the maintenance of ane horseman of this troop, that, after the sight of my ticket according to order, you would complete his maintenance for the month of July, and would take it for a courtesy done to you that he has not been locally quartered with you, and for that end that you would bestow the 2 shillings per diem for the easing you of the burden of his horse; for you may consider that when the order is passed, that the sodgers sall be quartered upon the maintenance, that then is meaned that they sall not ease the places upon which they quarter either of the burden of their horses or themselves, and yet they are to have 3 shillings per diem in money. Now, sir, I doubt not but you understand this as weel and better than I do, and therefore I hope that you will not deal worse with that horseman who has had the fortune to be quartered on you than other gentlemen in the country who has men in the like case; otherways we well be forcit to let you the next month have the benefit of local quartering, of which, as we perceive, you are not sensible, and we are loath to make you acquaint with, being, Sir, your humble servand,

R. DEANIS.

Thirlestane, the 30th of July 1649.

We have no particulars as to who the writer of this hazily-worded letter was, or whether his threat of "local quartering" proved sufficient to transform the regulation payment of two shillings per day into

one of three shillings; but the missive is useful as throwing light upon the subtle powers of extortion at the command of a master of horse. Thirlestane, from which the letter is dated, lies in Lauderdale, about ten miles north of Bemersyde, and the castle there was held at this time by a party of English soldiers. Its proprietor, the Earl of Lauderdale, was one of those who went out with the Army of the Engagement in the previous year, and had had to betake himself after its defeat to a residence at the Hague, in the court of exile of Charles II., whence he returned twelve years afterwards to rule poor Scotland with delegated powers scarcely less extensive than those of sovereignty itself, and which he so used as to earn a dukedom from the favour of his king, and an immortality of execration from the hatred of his countrymen.

But pecuniary extortion was not the only grievance under which the Laird of Bemersyde and his friends had to suffer; for the descent of a party of those same soldiers upon them, on the 15th of March 1651, resulted in James Haliburton, a cousin of David Haig, and brother of the Thomas Haliburton who then lived in Bemersyde House, being cruelly murdered in Bemersyde Wood. This party of soldiers, to the number of sixteen or seventeen, came to Dryburgh on the day mentioned, and "there committed many insolences," particularly by wounding John Erskine of Sheilfield, and one of his sons. On their return, having been informed that Thomas Haliburton was in Bemersyde Wood, they "came to the top of the brae above the said wood; and dismounting, two of them came down to the brae-

foot, where, finding James Haliburton, brother to the said Thomas, and John, Thomas's son, notwithstanding their demanding quarter, attacked them, and at a second thrust killed James; whereupon John fled to his father Thomas, who was walking alone at a little distance in the said wood. The soldiers attacked them also, and thrust Thomas through the cloak; whereupon the said Thomas got in on him, and after much struggling, as well in as out of the water [the Tweed], had quarter granted him. But the soldiers—after they had carried him and his son to the top of the brae, in violation of their promises—by the assistance of their other comrades [whom] they [had] left there standing, after some blows given, stript them, and let them go." It is gratifying to learn—and an evidence of the discipline exercised by Cromwell's staff—that on the second day thereafter, when Thomas Haliburton went to Lauder and complained of the men to their officers, he, "upon production of the whole regiment, pitched on the man that committed the murder, who thereupon was hanged." <sup>1</sup>

<sup>1</sup> *Memorials of the Haliburtons* (1877) pp. 41, 42. Nicoll in his *Diary* (p. 33), referring to Cromwell's occupation of Edinburgh in 1650, commends the English "order and government in their armies," and adds: "For their faults and offences were severely punished, being tried and proven, after that the complaints of the sufferers were heard: but the misery was that few complaints were heard except the complainers had made moyen [*i.e.*, interest] for that end." Among the instances which he gives of such punishment is one which took place on the 27th September of that year, when, "by order of the General Cromwell and his Council of War, there was three of his own sodgers scourged by the Provost-Marshall's men, from the Stone Shop to the Nether Bow, and back again from thence to the Stone Shop, every one of them severally, for plundering of houses within the town at their own hands without direction of their commanders." The Stone Shop was a house in the High Street built of that material, and originally so called to distinguish it from the other buildings of the same class, which at the time of its erection were chiefly constructed of wood.

About this time, also, death was making large gaps in the Bemersyde family. David Haig's youngest son had died in the previous year while but an infant; his wife's death followed somewhere in 1651-52; and we find him in the beginning of 1653 making preparations for his own departure. On the 24th January of that year, he made his will, a transcript of which is preserved.

*For my children, my last Will, if it please God to call upon me.*

**I**T is the Lord's will that we should put our house in order, for we cannot tell how long we shall have time in this mortal world, and that we should remember we are all mortal. Lord for a good end! Amen.

It is my will, as they shall answer to God in the last day, that this shall be observed, to wit, That my lawful son *Anthony Haig* shall have all the lands called Bemersyde and the Thrid, and that he shall give my lawful daughter *Elizabeth Haig* four thousand merks Scots moneys, with part of the linens and beds, with a silver bicker, with two kine. My lawful son *William Haig* he shall give four thousand merks Scots moneys, with a silver can, with two kine. That my said daughter and son shall keep the lands called the Thrid, possessed by me at the writing hereof, till they get their moneys thankfully paid. For their Mains in Holland, [that] is laying in Groningen, they will share alike, for they cannot get wrong, for it lays upon the town of Groningen.

God bless them! This is my last will, if it please God to call upon me.

I am content to put it in the books of Council and Session, to have a decret of the Lords, for the more strength.

Written with my hand, at the Thrie, 24th January 1653.

D. HAIG,  
of Bemersyde.

David Haig died in the month of June 1654, in his forty-fourth or forty-fifth year, his wife having, as already observed, predeceased him. He had by her in all five children: (1) Anthony, (2) Elizabeth, (3) Johanna, (4) William, and (5) David, his youngest son, who was born in 1648 and died in 1650.<sup>1</sup> His daughter Johanna also died young. His daughter Elizabeth died unmarried at Kelso in 1701. Of Anthony Haig, his eldest son and successor, and William, his second son, it remains to speak at more length.

<sup>1</sup> On the blank page of an old Bible, there are, in David Haig's handwriting, the following entries:

"David Haig was borne on 23 day of Maye, being tyesday, 1648."

"It pleased God to call my son David Haig to his eternall reste on the 26 February 1650. Pray the Lord for a joyfooll resurrectione."

This Bible may have been a marriage gift to David Haig and Hibernia Scholes in 1636, as their names are written together on the inside of the cover at the beginning, with some other writing not now decipherable. It is bound in oaken boards, covered with embossed leather, double-clasped, and with heavy brass mountings. Though now much dilapidated, it would form a handsome octavo two hundred and fifty years ago. It contains the Psalms, with music; and was printed in London by "Robert Barker, Printer to the King's most excellent Majesty. *Anno Dom.* 1631."

## CHAPTER X.

1654-67.

XXI. ANTHONY HAIG, 1654-1712 : his peculiar character—Affection for his family and name—Devotes himself to clearing the estate of its burdens—His brother William goes to London to become a merchant—His career there—Curious domestic accounts—Both brothers join the sect of the Quakers—Other Border Quakers—Persecution of that sect in Scotland—Anthony Haig imprisoned, 1663—His connections with Kirkton the historian—Litigation between them—Letter written by Kirkton—William Haig sends Quaker publications from London—Proceedings of the Privy Council—Letters from William in London—Bemersyde's release from prison, 1667.

WHEN Anthony Haig succeeded to the family inheritance in 1654, he had but just entered upon his sixteenth year. Deprived of parental guidance, and without any immediate relations in the vicinity, his position must in many respects have been a trying one. The prudent conduct of his father in keeping himself clear of all dangerous political entanglements, and devoting himself to the immediate duties of his estate, had begun to produce good results ; but his death, while still in the prime of life, and his eldest son yet a minor, formed a renewed drawback of a very serious kind to the fortunes of the house. At the period of An-

XXI. AN.  
ANTHONY  
 HAIG, 1654-  
 1712.

thony Haig's succession the estates were still much encumbered, not only with the portions payable to his brother and sister under his father's will, but with a considerable residue still remaining of the burdens that had accumulated during the lifetime of his mismanaging and unmanageable grandfather. Yet the young laird set himself manfully to cope with the difficulties of his position; and ultimately succeeded, not only in clearing the property of its principal liabilities, but in greatly adding to its permanent value by the improvements which from time to time he was able to effect.

At the outset of his career, however, he found himself surrounded by many difficulties and discouragements; and in after years we find him frequently referring to this period, pathetically speaking of it as "the time of his distress," when he had "none to help and stand by him," when he was "alone, without kin, friend, or ally," and "destitute of all help but the secret love of God." Fortunately for him in these depressing circumstances, he had a purpose in life from which he never swerved—a purpose early formed and persistently followed out, notwithstanding many temporary failures, many misfortunes and mistakes by the way. This purpose had its root in what was the supreme impelling power of his life—love of his family name and family inheritance. This love with him amounted to a passion, permeating all his thoughts, and giving fixity and direction to all his projects: was indeed the one overmastering, all-engrossing principle of his nature. Out of this deep-seated, lover-like devotion, his life-purpose grew and developed. That



purpose, as in old age he tells his son, was, in his own words, "to clear the house of my fathers of its encumbrances;" for it "always is and has been the inclination of my heart and affections" to restore the ancient "freedoms and liberties" of that house; with which object he had "wrestled" during all the bygone years and days of his life. Through fifty years of patient effort, not unmingled with bitter trial, he continued to keep this star of his hope in sight; and never captive child of Israel by the waters of Babylon longed more devoutly for the courts of Jerusalem, than did he for the complete and final fruition of his desires. He was proud of the old name of De Haga, and loved to trace it back to almost inconceivable antiquity;<sup>1</sup> and the cherished prediction in which the mystic Rhymer had embalmed that name, was sacred to him as word of Holy Writ.

While this was the dominating principle of action in the man, yet what may be termed the minor features of his character were likewise sufficiently striking and notable. Of these, the chief perhaps was that which pertained to the religious side of his nature. From his earliest years he appears to have been much under the influence of strong religious instincts, which he may have inherited from his mother, who was evidently a woman of pious and devotional habits; a fine old Dutch Bible in Bemersyde House, noticeable for its numerous underlinings and other marks of frequent and careful study, having in all probability belonged to her. This element in her son's character was, moreover, greatly


<sup>1</sup> See *ante*, pp. 20, 21.

fostered by the peculiar tendencies of the age in which he lived, when the existence of persecution gave to religion a stimulus and fervour, and to its professors a sublimity of devotion, which we perhaps seek for in vain in happier times. Anthony Haig, as we shall shortly find, did not escape the consequences of professing a form of worship which the fatal and infatuated policy of the Stuarts in Scotland had led them to treat as a crime; and although in his later years he gave evidence of having considerably moderated his public zeal for "the Truth," yet he suffered enough to make it apparent that religion was not with him merely the badge of worldly respectability and position, but a warmly cherished habitude of mind and spirit.

As a qualifying element of his character in this respect, it is to be observed—what is by no means rare in men of this type—that there was conjoined with his distinctly religious tendencies a love of money which almost amounted to avarice. Why two such very opposite phases of character should so frequently be found in conjunction, is one of those enigmas in human experience which scarcely admit of a satisfactory solution; yet, that they are so found, is matter of everyday observation. In his case an explanation is possible which it would be pleasing to think as applicable to other cases of the kind—namely, that the less noble of these phases seems to have been superinduced upon the other: the religious element being natural, and the sordid an aftergrowth, the result of the straitened circumstances with which he was compelled to grapple during the greater portion of his life. This struggle,

which he had to maintain from at least his twentieth to his fiftieth year, had undoubtedly a hardening and narrowing effect upon his nature, and led to the development of a spirit of almost mean and penurious "saving," which was only redeemed from utter sordidness by the nobility of his predominating motive and purpose. This spirit grew upon him as he advanced in years, and occasionally manifests itself in his transactions in a way that is almost ludicrous. Yet he is a pleasant and lovable character withal; and his passionate devotion to his life-purpose was sufficient to screen from censure very much worse faults than any which Anthony Haig ever possessed. He had, moreover, one precious quality for which alone the lover of family archæology would pardon him a thousand faults, and that was his habit of putting down on paper nearly every detail of his own affairs, as well as a good deal about the affairs of others. Unfortunately, what he calls "the little long book where I use to write my Journal Transactions," has not been preserved; but his larger Memorandum Book still exists; and from it and the other papers which belonged to him, it is possible to frame a pretty recognisable picture of Anthony Haig and his surroundings at Bemersyde more than two hundred years ago.

Considerable delay occurred after David Haig's death before his successor received formal "service" to the estates—the proceeding in Scotch law being so termed by which the heir to a deceased owner of land had his relationship recognised and declared, in order to the completion of his feudal title. The



fact of relationship was usually ascertained before an inquest of men belonging to the shire; but no inquest was in this case held till the 31st of August 1655, when it was "expede in the Tolbooth of Dunse before Captain William Ross of Drumgarland, sheriff-depute of Berwick,"<sup>1</sup> and the legal formula was not completed by issue of the "writ of service" till the 15th of February 1656. Both deeds make reference to the delay, the one accounting for it by the heir "not prosecuting of his right hitherto," and the other by "sasine not being taken." The country was then under the full sway of the English Commonwealth, and at first sight it might seem as if some political difficulty had made the heir hesitate to seek infestment. But this does not appear to have been actually the reason of the delay, which probably had something to do with the fact that in those years the sittings of the higher Courts of Law in Edinburgh were suspended for a considerable period. The reason given by Nicoll for this singular suspension of the chief legal administration

<sup>1</sup> The fifteen "discreit and honest men" who served upon this inquest were—John Dickson of Newbigging, George Strachan, feuar in Dunse, Alexander Home, wabster [*i.e.*, weaver] there, Robert Home in Fairnierig, Mr James Lundie of Huttoun Spittal, Patrick Gillespie in Simprim, Patrick Hill in Dunse, Robert Saidler there, Robert Swanston there, Robert Home, son to Master George Home of Kymerghame, John Home in Leitem, Adam Dickson there, John Armstrang there, Alexander Trotter in Home, and Robert Corsar in Wester Kennetsydeheids. Patrick Baxter is sheriff-clerk; and the deed is signed "AL. JAFFRAY," and certified as being "the true copy of the principal, copied and collationed by me Alexander Jaffray of Kingswalls, Director of the Chancellery." This latter is Provost Jaffray of Aberdeen, then well known for his conspicuous proceedings in connection with the sect of the Quakers, and who held his official position by appointment of Cromwell, whose party in the State he supported. The *Diary of Alexander Jaffray*, edited by John Barclay, was published at Aberdeen in 1856, and contains many interesting details of the religious and political history of the period, especially in relation to the Quaker movement.

reflects curiously upon the management of public business in the days of the Protectorate. Under date July 1655, this diarist says: "It is to be rememberit that all the last summer in anno 1654, and all this last winter and summer in anno 1655, there was no sitting Session in Edinburgh, nor no calling of actions, by reason of the absence of the judges—viz., Judge Smith, Judge Swinton, and Judge Lockhart, being at London employed as Commissioners from Scotland to the Parliament of England."<sup>1</sup> It is not improbable that this easy irregularity may have descended from the higher to the lower courts, and been the real cause of the delay referred to in the case of Anthony Haig's infestment.

It is noticeable that all the Bemersyde deeds referable to the years between 1652 and 1660, are in English, instead of the Latin that had previously been in use; but to which the Scottish lawyers returned with the Restoration. This introduction of English was due to a proclamation issued in May 1652, whereby all clerks, keepers of registers and seals, writers to the signet, and suchlike, were commanded under a penalty to engross all writs and evidents in "plain, significant English language, without abbreviating of words." Accordingly, the writ of service to Anthony Haig, granted under authority of Oliver Cromwell, is in English, and may be subjoined here as a specimen of the style of Scotch conveyancing during this enforced interregnum in the sovereignty of the old law Latin.

<sup>1</sup> Nicoll's *Diary*, p. 155.

*Writ of Service to Anthony Haig of Bemersyde, 1656.*

**O**LIVER, Lord Protector of the Commounwealth of England, Scotland, and Ireland, and dominions thaireto belonging, To the Shirreff of Bervik and his deputis greiting: Forasmuch as by Inquisition maid befoir yow at oure command, and retoured to oure Chancellarie, It is found and maid knowin, that the deceist Daud Haig of Bimersyd, father to Antonie Haig, beirer heiroy, died last vest and seisit as of fie, in peace, In all and haill the toune and lands of Bimmersyde, extending to ane tenmerk land of auld extent, with tour, fortalice, maner place, houses, biggings, yairds, orchards, outsetts, tofts, crofts, wods, mylnes, fishings vpon the water of Tweid and others fishings quhatsoever, dependents, annexis, connexis, cottages, pairts, pendicles, and pertinentis thairof, lyand within the bailliarie of Lawderdaill and oure Shirrefdome of Bervik forsaid: And that the said Antonie Haig is narrest and lawfull air to the said deceist Daud Haig, father, of the said toune and lands of Bimersyde, with the tour, fortalice, maner place, houses, biggings, yairds, orchards, outsetts, tofts, crofts, wods, mylnes, fishings upon the water of Tweid and other fishings quhatsumever, dependences, annexis, connexis, cottages, pairts, pendicles, and pertinents thairof, extending and lying as said is: And that he is of lawfull age: And that the forsaid toune and landis of Bimmersyd, with the haill pertinents thairof abovewrittin, wer holden of old of the lait Kingis of Scotland, and ar now holden immediately in cheiff of Us, as succeding in their vice and place: *Whairfoir* WE command and charge yow that ye give heretabill stait and seising to the said Antonie Haig, or to his certane actornay, beirer of thir presentis, of all and haill the forsaid toune and landis of Bimmersyd, with tour, fortalice, maner place, houses, biggings, yairds, orchards, wods, mylnes, fishings, cottages, and otheris abovewrittin, without delay, reserveand everie man's right, And taking securitie of the vsuall money of this natioun for the fermes of the forsaid lands and vtheris abovewrittin, Being in oure handis be the spais of ane yeir and a terme,

or thairby, last bypast, seising not being taken, And of vi℥. xiiij s. iiij d. of the same money for the releiff therof now dew to US in vice and place of the lait King, And this on na wayis ye leive undone: Thir presentis efter the nixt terme to be voyd.

Given at Edinburgh the fyfteine day of Februar, 1656.

The young Laird of Bemersyde's titles to his lands being thus completed, the next important business in which we find him engaged is that of marriage. In October of the year following the date of the above, and while he still wanted six months of completing his nineteenth year, he became the husband of Jean Home, daughter of James Home of Harieheugh, second son of George Home of Bassendean.<sup>1</sup> His bride was an only child; and her father being dead, was proprietrix in her own right of the lands and estate of Harieheugh, lying in the barony of Home.<sup>2</sup> Her mother's name was Jean Vavasour, now married for the second time to Thomas Macdowell of Stodrig.

The bride's mother and stepfather appear both to have been averse to the marriage, doubtless on account of the youth of the contracting parties; nevertheless the marriage turned out a singularly happy one, and neither of the principal parties thereto seems ever to have had occasion to regret it. From references made to his wife by himself and others in after years, it is to be gathered that

<sup>1</sup> The contract of marriage is extant, and is dated at Harieheugh, the 5th October 1657. It is quite a commonplace specimen of such deeds.

<sup>2</sup> Harieheugh must not at this time have been long in the hands of the Bassendean family, for in the *Abridgments of Retours* for May 22, 1617, is an entry of Adam Tunno of Harieheugh being served heir to Alexander Tunno his father, in the lands of Harieheugh, of 50s. auld extent, and 53s. 4d. new extent.

she was a woman who had a mind of her own; and in the absence of her husband for some years from his estates, she managed things in a way which appears to have given immense trouble to the Laird's baron-bailie, who was probably not disposed to place himself under the dictation of the spindle side of the house, in the weighty matters of out-field and infield, ploughing and mowing, cropping and reaping. The first years of her married life were sadly marred by the unfortunate position in which her husband's religious zeal placed him; and there is reason to believe that it was due in no small degree to her good sense and firmness of character, that in after years he was brought to moderate that zeal, and to bear himself less obnoxiously towards the powers that were. The marriage must also have been of some advantage to the youthful Laird in a worldly point of view, as Harieheugh was a considerable property, though at this time slightly burdened with a certain liferent payment to the bride's mother.<sup>1</sup>

In May 1659, Anthony Haig borrowed, on the security of an annual-rent out of the lands of Bemersyde, and with consent of his curators,<sup>2</sup> the

<sup>1</sup> A retour of "general service" of Jean Home, "now spouse of Anthony Haig of Bemersyde," as heiress to her father, the late James Home of Harieheugh, was "expede at Langtoun before Alexander Don of Newton, Sheriff-principal of Berwick," on 28th January 1658, before an inquest of the following "worthie and discreit gentilmen"—Maister George Home of Kymerghame, James Home of Castlelaw, Alexander Home of Bassendean, Thomas Haliburton of Newmains, James Erskine of Sheilfield, Abraham Home of Kenitsydheades, Thomas Bailyie in Ednam, John Dickson of Newbigging, John Lundie of Todrig, Alexander Trotter, bailiff in Home, Robert Pow, notar in Eyemouth, Bernand Meine in Home, Alexander Trotter in Upsatlingtoun, John Home, webster [weaver] in Kello, and Captain John Auchenleck in Rouchill.

<sup>2</sup> Who these curators were is nowhere specifically mentioned, but they would



sum of 2538 merks from Thomas Macdowell of Stodrig, this loan being partly necessitated by the arrangement which he at this time made with regard to the portions of money payable by him under his father's will to his brother and sister, William and Elizabeth. In the case of the latter, a bond was given to her for the full sum of her portion of four thousand merks, upon the security of the lands of Bemersyde, which bond was to bear interest at the rate of eight score pounds Scots yearly; and which interest, or annual-rent, as appears from the receipts, she continued to draw year by year from her brother up to the time of her death in 1701, never having disturbed the principal, which was then left as a bequest to Zerubabel, Anthony Haig's eldest son.

In the case of his brother William, the arrangement was of a more complicated nature. The latter was born in March 1646; and hence, in 1660, when this arrangement was being carried out, would be fourteen years of age. He had resolved upon becoming a merchant, in preference to seeking military service, or idling away his time at home as a younger son; and for this purpose removed in February 1662 to Edinburgh, and in April thereafter to London. The sum of one thousand merks appears, in view of his leaving home, to have been paid to him in cash, and the remainder by means of a bond, which was ultimately paid up and discharged about ten years afterwards. Anthony Haig, during the five years immediately succeeding this arrange-

appear to have been Thomas Haliburton of Newmains, and James Erskine of Sheilfield.

ment, paid out for his brother whatever moneys he required, both while at home, and after his removal to Edinburgh and London; and the details of these payments are punctiliously entered by Anthony in his Memorandum Book—which details present an amusing catalogue of the necessities of this young scion of an old Border house at his outset in life.

His brother's "Coumpt for the yeare 1662," is set down by Anthony "at large, as it is given up to me by Ann Keith, in every particulare thing, as it was debursed by her for William Haig his use, from the tyme he cam to Isabell Sterling house in Edinburgh for to stay, which was on the 1st day of the 12th month, 1661." It is also noted that part of the account was disbursed for him after he went to London, "which was on the 13 day of the 2d month, 1662."<sup>1</sup> Many of the items in this long account, which amounts in all to £19, 12s. 4½d. sterling, are of the most trifling kind, such as 4d. for a night-cap, 9d. for candles, 6d. for paper, 4d. for "making of stockings," 6d. for "mending his coat," the same sum for mending his shoes, and an entry which is pleasingly suggestive of the motherly care and economy with which Mrs Ann Keith superintended the wardrobe of the growing boy: "Item, for letting out his coat, 3d." For his eleven weeks' board with Isabell Sterling, he paid in all the sum of

<sup>1</sup> It is necessary to observe that throughout his books and papers Anthony Haig continues to use the old calendar under which the year was made to begin on the 25th of March, instead of 1st January. The "1st day of the 12th month, 1661," is therefore in modern notation the 1st of February 1662, March being always set down by him as the 1st month, April as the 2d month, and so on. The "13 day of the 2d month, 1662," represents the 13th of April of that year.—*See ante*, p. 102, note 1.

£2, 8s. 10½d., or an average of 4s. 5½d. per week. This sum did not, of course, include any of the items above-mentioned, but was for board and lodgings alone. His board in London cost rather less than in Edinburgh, being at the rate of £5, 10s. per half-year, or about 4s. 3d. per week. It is interesting, also, to learn that the "freight" from Edinburgh to London by sea in 1662 was 10s. sterling, this being the sum William Haig then paid as passage-money.

Arrived in the English metropolis, he shortly thereafter entered upon the serious business of life; but in the meantime, it is pleasant to note that he seems to have enjoyed himself very much as any youth of his age going to London would do still; while at the same time he was not exempted from those petty casualties that are sometimes very distressing to a thrifty lad of his years. On the bright side of the account, we find that he got 5s. "to keep his pocket;" with which sum he went to the Tower, and there paid 2d. for the perfectly new pleasure of "seeing the lions;" other 2d. being hospitably spent on "a tart for James Standart," who we may suppose was the companion of his youthful dissipation. On the dark side, it is noted that in the course of his wanderings after lions and pastry-shops "he lost 6d.;" which loss, however, was more than made up to him in a subsequent entry: "Item, more given him by Gavin Lawrie, 8d."

Of this Gavin Lawrie, in whom the young lad from Bemersyde thus early found a friend, we shall again have occasion to speak; but in the meantime it may be mentioned that this gentleman was destined to form a still closer connection with William

Haig, for the latter eventually married his daughter. This daughter's name was Mary Lawrie, whom her son describes as "a virtuous woman," and who by this marriage became the mother of Obadiah Haig, who lived to draw up in 1699 that genealogical tree of the Bemersyde family, which, under the citation of "*O. H. MS.*," must be familiar to the readers of this history. Gavin Lawrie was in 1662 a merchant in London, whence he went some years afterwards to America; and at the time of his death in that country held the honourable position of Governor of East Jersey, a place which now forms a portion of the great city of New York.

To return to the above account, there are still a few items that require notice as throwing light upon William Haig's settlement in London. These particular items at first reading seem not a little strange. There are 6d. for needles, 8d. for scissors, 3d. for a thimble, other 3d. for a needle-case, 1s. 3d. for a green apron, and 1s. 8d. for "a skeen coat<sup>1</sup> to work in." But intelligibility dawns upon this record when we come to the sum of £3 noted as paid on William's account "to John Hope," with the succeeding explanation that "this was to learn him the tylor trad." The announcement is, on the face of it, not a little amusing. Here was this young scion of an ancient Border family, with a patrimony of four thousand merks, and a pedigree which many a duke might envy, aspiring to join the great guild of London merchants; but so stern and uncompromising are their rules, that it is absolutely necessary that even

<sup>1</sup> A *skeen* or *skine coat* was probably a coat or jerkin of coarse hempen cloth; as *skiny* (pronounced *skeengyie*) is Scotch for packthread.—See Jamieson.

he should begin at the beginning, and pass upwards through all the grades of his craft, in precisely the same way as the poorest of London apprentices. This exclusiveness was a marked feature of the trade usages of the time. By the eighteenth byelaw of the Merchant Taylors' Company, confirmed by the Lord Chancellor of England, and the Chief Justices of the Courts of King's Bench and Common Pleas, in the eleventh year of the reign of James I., A.D. 1613, it was ordained that "no member take a covenant servant, either born in the city or of another mystery,<sup>1</sup> to inform and learn them the handy-craft or occupation of this mystery," nor "receive reward for instructions secretly given for that purpose, unless such persons should be duly bound and enrolled as apprentices. Penalty 100s. for every offence."<sup>2</sup> Thus William Haig must, if he is determined to become a member of the affluent and influential London Merchant Taylors' Company, first of all betake himself for a time to the needle and goose, like any other young *sartor* in his native Merse.<sup>3</sup>

One hundred years before this time, such a proceeding on the part of a member of a distinguished Border family would have been deemed impossible; but the tide of change that had set in with the Union of the Kingdoms in the beginning of the century was affecting and modifying the whole manners, habits, and pursuits of the people, especially those of

<sup>1</sup> Craft, or art.

<sup>2</sup> Herbert's *History of the Twelve Livery Companies of London*, ii. 420. I am indebted for this reference to a reply received in the pages of *Notes and Queries*, 5th S. XII. p. 496.

<sup>3</sup> See Appendix No. X.

the higher classes. We had not then our Indian empire and extensive colonial possessions, in the various diplomatic and official duties of which the younger sons of our nobility and gentry might be employed; consequently, in the latter half of the seventeenth century, we find the younger sons of such families as those of Sir Ludovic Gordon of Gordonstoun, Macleod of Guineas, Denham of Westshields, and others, engaged as apprentices in the houses of merchants and traders in Edinburgh.<sup>1</sup> At a somewhat later period, in the same city, the lawful heir of the famous family of Lindsay of the Byres carried on business as a working upholsterer. In the case of William Haig, it does not appear that his compliance with the rules of the Merchant Company was, after all, more than formal; for within two years of this time we shall find him already engaged in his first export venture, being thus at the age of eighteen a full-fledged London merchant.

But it must be remarked in this connection that one motive which might induce William Haig to prefer a peaceful mercantile occupation to a military one, was the fact that at this time both he and his brother, the young Laird of Bemersyde, were ardent adherents of the newly sprung-up sect of the Quakers. The chief religious party distinctions of Protestant and Papist, introduced by the Reformation, had now, if we are to believe Nicoll, been quite suppressed, and in their place had arisen "the name of Covenanters, Anti-Covenanters, Cross-Covenanters, Puritans, Baberters,

<sup>1</sup> Cf. *Social Life in Former Days*, by Captain Dunbar, i. 138-43; and *Colt-ness Collections* (Maitland Club), pp. 53, 54.

Roundheads, Auld Horns, New Horns, Cross-petitioners, Brownists, Separatists, Malignants, Sectaries, Royalists, Quakers, and Anabaptists.”<sup>1</sup> Next to the general body of Covenanters, the most conspicuous of these sects, and one which was for a time persecuted by Catholic and Presbyterian alike, was that of the Quakers. The first to proclaim the doctrines of this new sect in Scotland was James Nayler, one of their wildest and most fanatical preachers. He made a brief tour in 1653 in the southern counties, where his public utterances were so startling that an officer declared “he was struck with more terror by the preaching of James Nayler than he was at the battle of Dunbar.”<sup>2</sup> It was not, however, till George Fox made a journey through Scotland in the autumn of 1657, that the doctrines of the sect began to be adopted by any large numbers of the people. Fox in his *Journal* tells us that he “had for some time felt drawings in his spirit to go into Scotland,” and boasts that “as he first set his horse’s feet upon Scottish ground, he felt the seed of grace to sparkle about him like innumerable sparks of fire.” According to his own account, his name was a terror to the clerics everywhere; and “it was a dreadful thing to the priests,” he says, “when it was told them the man in the leather breeches is come.” He had with him one Robert Widders, “a thundering man against hypocrisy, deceit, and the rottenness of the priests.” Fox’s preaching had a great effect in the southern counties of Scotland, and some members of the most eminent families were thereby brought to adopt his

<sup>1</sup> Nicoll’s *Diary*, pp. 38, 39.

<sup>2</sup> *Diary of Alexander Jaffray*, p. 413.

tenets. The chief of his disciples in the Borders were John (otherwise Judge) Swinton of Swinton, the representative of one of the oldest and most distinguished families in Berwickshire; Sir Gideon Scott of Highchester, Sheriff of Roxburghshire, and second son of the first Sir William Scott of Harden; Walter Scott of Raeburn, Sir Gideon's brother, and ancestor of Sir Walter Scott; Charles Ormiston, merchant, Kelso; Anthony Haig of Bemersyde, and William his brother.<sup>1</sup> Many others of less note in the Borders were also made proselytes by Fox's preaching.

The new sect was held in the greatest detestation by their fellow-Protestants, as well as by the Government of the day; and stories of the most monstrous and unbelievable kind were eagerly circulated regarding its adherents and their doings, and by none more zealously than the Presbyterians.<sup>2</sup> There was, no

<sup>1</sup> That Anthony Haig was not joined by his wife in his secession from the Presbyterian communion, appears from various evidences. Among others, there is the following entry in the register of baptisms for Smailholm parish: "1662, Oct. 28. James the son, and Hannah the daughter, to Anthonie Hague of Beemoorside, baptised. Witnesses, Thomas M'Dougal of Stodrick, and Thomas H[aliburton]." Why the children were not baptised by the minister of their own parish of Mertoun, may have been because of circumstances that will presently be adverted to. The son James afterwards had his name changed by his father to Jacob, no doubt in consequence of the religious views which the Laird had adopted, and which likewise led him to call his second surviving son Zerubabel, his third Lazarus, his fourth Emmanuel; and his eldest daughter Hannah. His brother William followed the same Scriptural fashion, naming his eldest son Obadiah, and his daughter Rebekah. The two children above baptised were not twins, their father in his Memorandum Book entering that "My daughter, Hannah Haig, was borne on the 16 day of the 1st month caled March in the year 1661." James, or Jacob, was born in 1658, and died in his sixth or seventh year. The delay in the baptisms probably arose from the Quaker objection to sacraments on the part of the father.

<sup>2</sup> As specimens of the facts and fictions circulated regarding the Quakers at this time the following from Nicoll's *Diary* may be quoted:—

"In the month of Januar 1655, and in sundry other months preceding, and



doubt, a degree of excitement and fanaticism attending their preaching and other proceedings which possibly gave ground for these reports; the sect being then strongly demonstrative and aggressive—the very opposite of what it has since become. Consequently, they soon felt the full weight of both civil and ecclesiastical repression. The Presbyterian clergy everywhere excommunicated those of their parishioners who espoused the doctrines of the hated English fanatic Fox, who, with his long hair and leathern breeches, perambulated the country like a prophet of doom, denouncing the priests and their “steeple-houses,” with the worldly practices of bowing the knee, “scraping the leg,” pulling off the hat, and using the plural pronoun in addressing a single person. Kirkton, Walker, Wodrow, and the other Presbyterian writers, never speak of Fox and his followers but with bitterness and hatred, esteeming them as no better than Jesuits and Papists; and while they are continually preaching the exceeding sinfulness of the Government in persecuting the Presbyterians, are equally enraged that the State does not

mony months following, there raise up great numbers of that damnable sect of the Quakers, wha, being deludit by Sathan, drew mony away to their profession, both men and women, sundry of them walking through the streets, all naked except their shirts, crying, ‘This is the way, walk ye in it;’ others crying out, ‘The day of salvation is at hand,’ etc.”—(P. 147.)

“In the end of April and beginning of May 1656, multitudes of Quakers increased, both men and women, as weel Scots as English, and publicly shew themselves through the streets of Edinburgh, and making twice at least in the week their pretendit sermons and hortations at the Castlehill of Edinburgh, to whom resortit much people, some to hear and see, and some others to reverence their judgment, errors, and opinions.”—(P. 177.)

“Ane woman at ane Quaker’s meeting was strongly possest, in Suffolk, and carried home distracted. She is sinsyne deid, and before her death she cried out, of devils, ‘O guid devils, do not beat out my eyes!’ and was visibly seen, by others, to slap her on the face, and something ran up and down in her body under the skin, and bellowed in her like a calf.”—(P. 155.)

take harder measures with the "abominable sect of the Quakers."

Immediately after the Restoration, the Government did begin to take action. Judge Swinton, as being the chief of the proselytes, and obnoxious to the Government on other grounds, was the first to be seized. In July 1660 he was taken out of his bed in a Quaker's house in London, laid in fetters in the Gatehouse Prison, "where the thieves and robbers were imprisoned," and sent down to Scotland in the following December, in the same ship that conveyed the Marquis of Argyll to the scaffold.<sup>1</sup> Swinton's enemies said that he had adopted the new doctrines in order to evade the consequences of his political connections with Cromwell and the Commonwealth, declaring that if he had not first *trembled* he never would have *quaked*; and Wodrow is very angry that he did not share the same fate as Argyll, giving as the reason of his escape that "the Queen-mother and the Papists took a care of him and brought him off."<sup>2</sup> He was not, however, released from prison.

Judge Swinton's apprehension was the beginning of a series of prosecutions against the Quakers which resulted in the imprisonment of all the more conspicuous members of the sect in the south of Scotland and elsewhere. Among these was Anthony Haig of Bemersyde. The first official reference to his connection with the Quakers occurs in a minute of the Privy Council, of date June 2, 1663. It is therein stated that the Lords, "taking to their serious consideration the great abuse committed by those who take upon them the profession of Quakers,

<sup>1</sup> Nicoll's *Diary*, p. 308.

<sup>2</sup> *History*, i. 65.

whereby both Church and State is and may be prejudiced, to the great scandal of the Gospel, and being most willing to remedy the same, they do appoint the Lord Advocate, the Lord Tarbet, and Sir Robert Murray to meet, and with their first conveniency to call before them John Swinton of that Ilk, Anthony Haig of Bemersyde, and Andrew Robison,<sup>1</sup> and to examine them, and to consider the papers that have been intercepted passing betwixt them and others, and what correspondence they have had either with those in England or elsewhere, to the prejudice of the Church and State; and for this effect gives power to cite and receive witnesses, and all other manner of probation, and to report to the Council.”<sup>2</sup> The minute goes on to say that as the Council is “certainly informed that there are several meetings of Quakers in Edinburgh, both on the week-day, and Sabbath in time of divine worship, who seduces many to follow after their mischievous practices,” the magistrates of the city are therefore instructed to make strict inquiry after those dwelling-places or houses, to take if need be the keys of those houses, and to be careful that no heritor or

<sup>1</sup> Who this Andrew Robison, or Robertson, was, I have been unable to ascertain; but we find William Haig, writing from London to his brother in October 1664, and apparently unaware of Robertson's apprehension, adding this postscript to his letter: “I did hear that Andrew Robesone was coming up, and we do not hear of him here; therefore I desire thee to send word. Send thy letter to Adam Carse, Andrew Car's man of Greenhead, and he will put it into Berwick posthouse—he lives at the Bridge End, near Kelso—or put it into Edinburgh posthouse.”

<sup>2</sup> It is a little curious to find that, while the Government was thus proceeding against the Laird of Bemersyde in 1663, his name does not appear in the list of Berwickshire proprietors fined for non-conformity by Middleton in the previous year, although his near neighbours, Thomas Haliburton of Newmains, and John Erskine of Sheilfield, were each fined £600 Scots.

landlord "shall set any house to such persons in time coming, as they shall be answerable."<sup>1</sup>

What may have been the immediate cause of the Laird of Bemersyde's apprehension, or who were its instigators, is not specifically recorded; but there is reason for believing that certain of the Presbyterian clergymen in the district had something to do with it; because, as we shall find later on, Mr Thomas Donaldson, who was then minister of Smailholm, and another minister whose name is left blank, are afterwards called upon by the Privy Council to produce what "papers and other evidents" they may have referring to the charges against the Laird of Bemersyde and his fellow-prisoners. Were it not that Mr James Kirkton had ceased to be minister of Mertoun some months before this time, it might have been supposed that he was the clergyman whose name is left blank; as in 1662, and for three or four years previously, he had carried on a somewhat bitter litigation with the Laird of Bemersyde over a question of stipend.<sup>2</sup>

<sup>1</sup> *MS. in Register House.*—Wodrow calls this injunction against the Quakers "a good Act," and adds that if it had been "prosecute with the same vigour those against Presbyterians were, we might, in this land, soon been freed from that dangerous sect."—*History*, i. 367.

<sup>2</sup> This James Kirkton is the well-known author of *The Secret and True History of the Church of Scotland*. Why his name should ordinarily be so spelled we do not know, as there are numerous manuscripts in his handwriting among the Bemersyde papers, and he invariably signs his name "Kirton." The editor of his *History* (C. K. Sharpe) says he was expelled from his charge by the Act of Council passed against non-complying clergymen in 1662. He is also said to have been exceptionally rapacious in money matters, it being related that when he was offered an Edinburgh charge in 1689, he refused it on the ground that his old parishioners in Mertoun (whose minister he had ceased to be twenty-seven years before) had not been summoned as parties. He therefore, it is said, went out to Mertoun, took advantage of an Act of Parliament then passed to thrust out the resident minister from both parsonage and church, preached two Sundays, and secured thereby his right to a year's stipend; returned to Edinburgh,

Kirkton was naturally a man of an overbearing and vindictive disposition, as any one who reads his *History* must perceive—a history abounding in the basest scandals regarding all who differed from him, and written with a pen dipped in utter indelicacy and grossness. In 1657, when the Laird of Bemersyde joined the sect of the Quakers—a sect which Kirkton abhorred—the latter at once excommunicated him; and the Laird, with a degree of pugnacity more akin to the principles of the world than to those of non-resistance professed by the Friends, retaliated by refusing to contribute, for that year, one chalder of the oatmeal due to Kirkton from the Bemersyde estate. The Quakers objected on principle to paying tithes; but this can scarcely be set down as the cause of Anthony Haig's resistance in this case, for he paid the stipend as usual for the other years subsequently up to 1662. As it was, Kirkton raised an action against Bemersyde, and in 1661 got decree against him. Bemersyde suspended the decree; and after some further wrangling, Kirkton, in January 1662, presented a petition to the Lords of Council and Session, in which he prays that the suspension be set aside, he having been “keept out of his stipend these five years, pairtly by interruption of the course of justice, and pairtly by the malice of his pairtie [the Laird of Bemersyde]

and possessed himself of his new charge there, “after [as a contemporary writer puts it] a kind of *providential* manner.” But whatever his faults, Mr James Kirkton was not the rapacious person here represented, so far at least as the pre-Revolution minister of Mertoun (Mr Andrew Meldrum) was concerned; for there are documents among the Bemersyde papers which prove that Kirkton kindly allowed Meldrum to draw a proportion of the stipend up to the time of the latter's death in 1696, although the ousted minister had no claim in law to any portion of it.

syde], being ane excommunicat Quaker;" more especially as he, the petitioner, "being desirous to repair to his charge, is constrained, by the malice and obstinacy of his pairtie, still to attend, to his great prejudice, lest by a suspension he might be further defrauded and postponed."

The tone of the petition is in remarkable consistency with the spirit and language of its author's historical writings, and, if his contemporaries are to be believed, of his sermons as well.<sup>1</sup> He again got his decree ratified, apparently for the third or fourth time; but yet does not seem to have been able to drag his chalder of oatmeal out of his stubborn opponent. The latter, during the summer of 1662, was in London for some time, interesting himself in the affairs of his brother; and during this interval the minister of Mertoun opened an attack upon the absent man's wife, in the hope possibly that she would be more vulnerable than her husband.

*For the Ladie Bemersyd.*

June 2 [1662].

MISTRESS,—It is wel known to you that it is very long since I obteind a decreit against your husband for a chalder of victual, which he should have payed five yeirs since. I did arrest upon the decreet; but he hath both broken the arrestment, and delayes to pay. So I have sent you that I desire either to find some way to make present payment; or if that cannot be, to make Will. Richieson<sup>2</sup> give me his

<sup>1</sup> In the Introduction to his *History*, it is stated by the editor that on one occasion when Kirkton had become weary of the tedious prayers of his brethren in the Assembly, he is said to have exclaimed, "What means all this fool praying?" (p. xiv.) Many of the alleged specimens of his sermons which have been preserved would scarcely bear quotation.

<sup>2</sup> This William Richardson is mentioned in a legal document of 1659 as "bailiff at the Thrid," i.e., the Laird's land steward.

bond, and I sall discharge my decreit. Otherwayes, I must presentlie poynd both for the decreit and my expenses; for truly I can spare no longer, and I hope you will excuse me. I rest, your servant,

JA: KIRTON.

The dispute was settled in the October following, by the payment of the chalder of meal, "of the mett and measure of Dryburgh, guid and sufficient stuff;" and Mr Kirkton grants his receipt in due form, and so was an end of that matter.

Whether or not Kirkton had anything to do with the apprehension of Anthony Haig, cannot be definitely stated; but at all events the Laird of Bemersyde, a young man of twenty-four, was in August 1663 immured in that grim old Edinburgh Tolbooth—long since demolished—where his near predecessors James and William Haig had lain before him. It is described by Nicoll, in 1654, as "the laigh prison-house under the Court of Parliament," and as being "strong, and made sure with thick walls and iron."<sup>1</sup> Within these thick walls Anthony Haig fed the high flame of his religious enthusiasm—a kind of enthusiasm which, of all others, is emphatically nourished by persecuting and repressive courses. We have an interesting memento of his state of mind at this time in a frayed and faded sheet of writing which has been preserved, dated the "23d of the 6th month [August], 1663," and on which at some later period he had written the memorandum—"This was for my wiffe."

Arise, arise, come forth out of Babylon, dwell no longer in her territories! for a consumption<sup>2</sup> by the God of Heaven

<sup>1</sup> *Diary*, p. 127.

<sup>2</sup> In its literal sense of *a complete taking away*.

is determined against her and her inhabitants. Oh, my dear, come forth—do not tarry; delay no longer in Babylon, beauty! for her glory is to be destroyed, and all that are her merchants may mourn, and her children lament, because of seeing that which was so much their delight destroyed in an hour. Oh, the cry of my soul is to thee, my dear! Come out of Babylon, that thou may not partake of her pains! Oh that thou should make choice unto thyself! A land of famine, of darkness—a land wherein the habitation of devils is found—a land of sorrow, anguish, misery, and confusion! Does thou not know it to be so? Yea, I know it is so; although at present, through thy long continuance therein, the veil is grown so thick that at present it cannot be seen by thee. But pass from Egypt darkness, and enter my bower in Zion light; because my heart *grenes*<sup>1</sup> for thy deliverance, and my soul breathes for thy salvation, that in this day could come unto me as glad tidings, the receiving of thee in the Covenant of Light, which is the Life, where we might meet and rejoice together. Then our union and unity would stand in the foundation of peace—Christ the bond thereof, in whom our souls would be united in love. Oh, the Just in me cries unto thee, Arise out of sleep, and seek after Zion King; stand up, inquire, be no longer slothful; pine for His love, breathe for the light of His countenance! Cease not till thou find a place for the deed of Jacob; that thy poor soul, which has dwelt so long without the enjoyment of its Maker, may come to taste of the sweetness of His presence; that the comeliness of Him may be the ornament of thee, and His glory over all may come to shine; that one of Zion children thou may be, that with the children of the Lord thou may sit round the table of the Lord, partaking with us of the fulness of His house. Oh, my dear, here is no want; the soul is not famished! here is the bread of Life found: not that which perisheth, but that which endureth for ever. Oh, seek after the enjoyment of this, for this satisfies the hungry soul!

A. HAIG.

<sup>1</sup> Longs anxiously.



The writer would seem to have inherited the facility in literary expression that marked the letters of his grand-uncle William Haig, written from within the same prison walls. We shall find his son Zerubabel exhibiting a similar gift. It does not appear, however, that the letter was effective in the object which the writer sought, for his wife remained firm to her Presbyterian convictions. His sister Elizabeth was equally indisposed to throw in her lot with the Quaker community, if we may judge from a letter written to her by her brother William the first year he went to London. Anthony Haig must have thought highly of this letter, for he had copied it into his Memorandum Book in order to its preservation; but time and damp have frustrated his intentions, and the letter is now almost wholly illegible. From what remains of it, however, it can be gathered that William was at this time as full of religious fervour and lofty enthusiasm as his brother. He tells his sister that "it hath been much in his heart" to beseech her to seek the favour of the Lord, "for the Lord maketh all sure, for He is weary of evil deeds;" and he urges her to "repent while yet thou has time," subscribing himself—"Thy Brother, so far as thou art faithful unto the Lord."

The first letter which William Haig appears to have written to his brother was more than two years after the return of the latter from his visit to London in 1662, and at the time of writing—possibly from their correspondence being intercepted—he does not seem to have been aware of his brother's imprisonment. The letter is dated the 22d October 1664, and is addressed: "For Anthony Haig, at his house

at the Thrid, this deliver.” He begins by saying : “ This is to let thee know, that since I parted from thee, that I have tried several ways for the improvement of moneys ; but some friends and myself both thinks a foreign venture will be best, and is the thing I most incline to ; and the sooner it be accomplished it will be the less hazard, by reason of wars that are expected. The money that I have is too little ; therefore I desire that thou would sum up all that I have received or thou hast debursed for me, and I may know what remains. And because I know thou cannot answer money at present, I can have a friend here that will do it upon reasonable terms, and will forbear it a year and a half, and some more, if thou requires it.” The friend referred to is Gavin Lawrie. Further on, he says : “ Gerard Robert did desire me to go to Santa Luce, but I have a greater mind for Holland.” In conclusion, he tells his brother that “ the persecution of Friends goes on. There are thirty-one Friends at London to be banished, and several lays to be tried ; but through mercy they are kept faithful.”

In the December following, William Haig sends a second letter to his brother, of whose imprisonment he has now heard, apparently from himself.

*For Anthony Haig, in the Tolbooth of Edinburgh, this.*

DEAR BROTHER,—When I wrote last to thee, I was in haste, and so could not answer thy letter to the full. . . . Receive a box, with three of Sam. Fisher’s<sup>1</sup> [books], and

<sup>1</sup> Samuel Fisher was a conspicuous Quaker in his time, and the author of numerous pamphlets and other fugitive writings in defence of his sect. He suffered many years’ imprisonment for the cause. It is told of him that on one

two others about the bigness of Sam. Fisher's—they are Friends' writings collected; with a broad book of half sheets, collected papers also. Sam. Fisher's are four shillings a-piece; they cannot be got under, for there is a cart-load of them taken away, so that there is not above six (as they say) to be sold in the City. The other two books are likewise four shillings a-piece; but if thou wilt not have them because thou didst not write for them, dispose of them as thou sees good, and if they do service I shall think my money well bestowed. And the broad book is eighteen-pence; the box sixpence.

	lb.	s.	d.
3 Sam. Fisher's, at 4s. . . . .	00	12	00
2 Collected Friends, at 4s. . . . .	00	08	00
1 Half-sheets, at 1s. 6d. . . . .	00	01	06
1 Box . . . . .	00	00	06
	01	02	00

They are directed to Thomas Amestone, Clerk to the Custom House at Leith, who is to send to thee at the arrival of the ship. They come in *James Stagg* of Prestonpans. Thou may let Alex. Chiesley have one of these, if he desire it and thou be willing. . . . Direct thy letters to John Marr's house at the Ship Brewhouse, High Putener (*sic*).

Ann<sup>1</sup> had a note from thee the 28th of the last month. She desires thee to send her word what was the nature of the act that called you in prisoner's. She remembers her

occasion when he had got admission as an auditor to the House of Commons, Cromwell delivered a speech in which he declared that he knew not of one man who was unjustly imprisoned in all England. He had no sooner sat down than Fisher, remembering the hundreds of his brethren who were lying in jail, rose up and began to deliver to him a message from the Lord. But the cry got up, "A Quaker! a Quaker!" and the unauthorised orator was silenced.—*The Quakers*, by John Cunningham, D.D., p. 54.

<sup>1</sup> This is Ann Keith, William's old Edinburgh guardian, who had removed to London about six months after himself. She was one of the Friends, yet this did not withhold Anthony Haig from having a violent quarrel with her about the money she was paying out for his brother; and in 1665 he writes as much as would fill four or five pages of this book, about the merest trifles.

love to you all. As for the payment of the books, let it alone till I call for it. Mind my love to thy wife, my sister, and Andrew [Robertson], and all friends.

WM. HAIG.

From London,

30th day 10th mo<sup>th</sup> '64.

While Anthony Haig lay in prison, his wife at Bemersyde was not without her troubles. On the 2d of October following her husband's imprisonment, a fourth child was born to them;<sup>1</sup> and shortly afterwards, her step-father, Thomas Macdowell, writes her a letter urgently demanding payment of certain sums of annual-rent, or interest, due to him, as he is himself much pressed, being threatened with diligence by "Newhall" unless some moneys due to the latter are paid. In a postscript he adds: "I am much afraid your tenants do disappoint you. I have experience of their unchancie payment at the time of appointment. However, ye maun haud ane strick hand over them. If I had not been prest to-day, ye might have taken your own time; but I am so put to it that I can give, no, not one day."

The condition of the young wife at Bemersyde, with her three surviving children on her hand, her husband in prison, and knowing not what might be the result of it all in those dangerous times, naturally

The manner in which William sums up the items of goods he sends his brother, in the above letter, not forgetting the 6d. for the box, is worth noting. It may also be observed here, that while the authorities had taken away a cart-load of Sam Fisher's writings, as being seditious and dangerous publications, those which William Haig transmits to Scotland are sent per a clerk in the Custom House at Leith, showing that there were at that time Quakers even in "Cæsar's household."

<sup>1</sup> This was Zerubabel, who succeeded his father. He was born on the 2d October 1663. There was an elder child—the second son—of the same name born in 1660; but he died in infancy.

gave her mother at this period very great anxiety, to which the above writer a few weeks later refers in a second letter.

*For my dear and loving Dochter, the Lady Bemersyde,  
This deliver.*

DEAR AND LOVING DOCHTER,—I am not able to express what grief your mother doth sustain since your pairtment from hence ; but doth continually moan and weep, and through my appearance is likely to bring her grey hairs to grave with sorrow, unless ye remeid it by your hasty return. Her expression is always that for your cause, because of your young and tender years, she stayit on you to her own contre ; and now, of your growing age, ye made your own choice, without her consent. And now, by the distractit humour of your husband, in making Alexr. Chiesly ane power to be factor<sup>1</sup>—whilk carries in its bosom that he may wadset, yea, dispone his estate to whom he pleases, unless that ye get it recallit.

Wherefore, in the bowels and compassion of Christ your Saviour, be not seducit by them to leave your principal. If you do, ye may be termit ane goat, to give guid milk all day and cast it at foot at night. Subscryve no paper for none of their pleasure, neither sinder<sup>2</sup> with your evidents, that ye repent not when it is too late. Whatever grief may torment you, run to God with prayer, who will hear you when you call, and keep you in your need. And if they do despitefully use you, as I am much afraid, ye shall be welcome to come home to me, and be second mistress with your mother, so long as I live, ye and your babes. Wherefore, haste for home, and never part with your house and family. In [so] doing, God and guid friends will assist you ; if otherways they will turn their backs upon you.

I have more to insert whilk I will not commit to paper.

<sup>1</sup> The said Alexander Chiesly, in the deed of “factory” here referred to, is described as “merchant burgess in Edinburgh.” Other references show that he was also a member of the Friends.

<sup>2</sup> Part.

Commit you and your way to the protection of God Almighty. I am ever, and shall remain, your loving father till death,

THO: MAKDOWELL.

Stodrig, 3 Dec. 1663.

It is a somewhat curious circumstance in connection with the endeavours of the Government to repress Quakerism, that they seem to have been, as their Presbyterian critics complain, extremely indifferent as to doing more than getting a number of the leading Quakers consigned to prison and keeping them there. Beyond the Privy Council minute of June 1663, already given, there is no further reference to the matter till November 1665. In the meantime, it does not appear that their imprisonment was of a very stringent kind, as we find from Anthony Haig's papers that he transacted business of various kinds in Edinburgh very much as if he had not been a prisoner. Judge Swinton in the course of these years had presented a petition to the authorities, pleading for a less restricted imprisonment owing to the state of his health, whereupon he was removed to the Castle, his wife having permission to live with him, and himself also in some sense or other made "free of the city." Some similar amelioration of his captivity may have likewise been granted to the Laird of Bemersyde, as his wife spent great part of each year from 1664 to 1667 in Edinburgh with him; while, in the absence of both, one David Falconer, also a Quaker, took a friendly interest in the two estates of Bemersyde and Harieheugh, his name frequently appearing in connection

with money transactions.<sup>1</sup> At this time, with regard to the latter estate, there was some chance of a rupture between the Lady Bemersyde's cousin, George Home of Bassendean, and Anthony Haig, respecting some claims which the former preferred ; but a paper was drawn up, and the dispute amicably arranged between the two Lairds in Edinburgh in April 1665 ; and they seem to have remained from that time fast friends, although Bassendean was not a Quaker, but on the other hand one of the more conspicuous Covenanters of the period. Moreover, Bemersyde was able, ten years afterwards, to assist this same Home with money, and that at a time when every opportunity was taken by Lauderdale and his coadjutors to oppress the persons and despoil the estates of the Covenanting gentry.

In 1665 the terrible plague in London began to develop its deadly horrors ; upon which William Haig sought safety by coming down to Scotland. We have, however, one other letter of his, of some interest—the last he wrote before leaving London ; though the plague does not seem, at the time he wrote, to have attracted public attention. The letter

<sup>1</sup> Lady Bemersyde, when at home, also took her part in the management, though in a way that Friend Falconer was evidently inclined to resent ; for we find him writing in June 1666 to the Laird in Edinburgh : “DEARE FRIEND,—I am satisfied in thy wyf's returne. There wes a desire in me that it might be so before shee came, nor doe I find anything in me to keep me back from doing her all the helpe I possibly can in her affaires. Only my desire to thee is, to keep in the trew dominion ower her, not suffering the affectionat part to betray thee ower to the will of the wrong thing in her in nothing. As thou art free [*i.e.*, as thou hast opportunity], write to her to visite thy sister, and write to thy sister to visite her.” In the same letter the writer refers to certain moneys which he had borrowed some time before “from Walter” for Bemersyde's necessities, as also of having got “thirty-seven ewes and a tup from Walter's herd.” This Walter, it afterwards appears, was Walter Scott of Raeburn, who at the date of the letter was also a prisoner in the Tolbooth of Edinburgh.

evidently has reference to the dispute before mentioned, between his brother Anthony and Ann Keith, regarding the moneys she was disbursing for him in London; and William, as if aware of the "narrow ways" that were now fast growing upon his brother, may have desired to throw oil upon the troubled waters.

*This for Anthony Haig, To be left at Chr: Sterling's Shop in the Luckenbooths in Edinburgh, Scotland, These.*

DEAR BROTHER,—Thy letter, dated the 9th 3rd mo<sup>th</sup>, I received, which I spoke something to in brief with Ann Keith; and I can say no other than I mentioned there, that my love is still towards thee, and my affection nothing abated, but desires always to know the increase of it; knowing that love is that which maketh up breaches, and it's that which hindreth the breaking of them forth. Neither can thy love towards me be forgotten, nor thy affection put in oblivion by me; but, as is my duty, still remembered, and, as I stand stable, shall never be blotted out. And in the love of the Lord I desire to be known by thee, that unity may still abound, seeing it's the true attendant of amity: for where true amity is, there's true unity; and when both are witnessed, there is peace. Desiring to be known in that which visibles cannot make known, and desiring to be looked upon with an eye of charity, and with the same desire craving the least grain of the good immortal, to its father, to the keeping faithful of me and all others tried by woman, thy loving brother, and well-wisher to the prosperity of little Jacob,<sup>1</sup>

WM. HAIG.

There hath been some [Friends] banished from this city of late—viz., three a pretty while ago, one of which died at Gravesend a-shipboard; and seven more in ane other ship

<sup>1</sup> "Little Jacob," baptised as James, died shortly after this time, and while his father was still in prison. In *O. H. MS.* he is named David, which mistake was also copied by Mylne.



which are all clear gone, as we hear. And now there are eight more at Gravesend a-shipboard, to go this week, and more are to go shortly, as we hear. They find much to do to get men to carry them. Friends are generally well here, and weel contented. Fareweel.

WM. HAIG.

From London,

29th 3rd mo<sup>th</sup> [May], 1665.

Mrs Ann Keith may have had a temper of her own, if we are to attach any meaning to this lad of nineteen's solemn inclusion of himself among all who are "tried by woman;" yet that she stood faithfully by her young charge, even in his approach to manhood, is clear from various stray notices in the papers. She tended him with the love of a mother; and except that Anthony might now and again, in one of his penurious fits, assail her on the score of her outlay for her young merchant, she was on the whole greatly beloved and respected by both. William Haig and she arrived in Scotland in the summer of the above year, driven forth together by the plague, which was now assuming the most ghastly and awful proportions, hundreds dying every day, London becoming literally a city of the dead. They appear to have spent some time at Bemersyde on their way north, where we find Charles Ormiston, Kelso—before referred to as one of the Friends in those parts, and who at that time acted as banker and merchant for one-half the Border gentry—supplying William Haig with various articles of wearing apparel; among other things with "9 quarters of broad cloth at 13s. 4d. the ell," for which, as being a Quaker's suit, the remarkable number of "three dozen of silk buttons" was re-

quired.<sup>1</sup> They arrived in Edinburgh in September, when Anthony Haig once more resumes the management of William's finances, supplying him from time to time with various small sums "to keep his pocket," varying from a dollar (4s. 10d.) to one pound sterling. In the Tolbooth also, on the 7th of November, he pays to Ann Keith—not probably without much accounting and haggling—the balance due upon her account of outlays for William, amounting in all to £57, 3s. 8d.

But more important matters were soon to engage the attention of the Laird than the amount of his brother's pocket-money and the cost of his board; for on the last day of that month the Lords of the Privy Council again took his case into their consideration, as if now determined to bring matters to a final bearing betwixt them and him.

Apud Edinburgh, ultimo Novembris 1665.

The Lords of his Majesty's Privy Council having heard and considered the report of these who were appointed to consider what course should be taken with Quakers, and how they shall be proceedit against, Bearing that it is their opinion that the saidis persons are guilty, and may be overtaken as contraveners of the Act of Parliament against separation and withdrawing from the public and ordinary meetings in parish churches for divine worship, being the 1st Act of 3d session of his Majesty's late Parliament, And also for contravening the proclamation emitted by his Majesty and estates of Parliament, upon the 22d January 1661, against all meetings of Quakers, etc., And that they

<sup>1</sup> Buttons were a distinguishing feature of the Quaker dress of the period. Fox, when charged with ostentatiously wearing silver ones, said they were not of silver, but an inferior metal; while another of their leaders was charged with a wish to deceive by wearing pewter buttons that looked like silver.

may be punished by fining, confining, imprisonment, and such other corporal and arbitrary pains as the Lords of Council shall think fit, the foresaid sect being most dangerous, and their principles and practises being inconsistent with and tending to the subversion of all government civil and ecclesiastic: It is the opinion of the Committee that a course be taken for repressing and preventing the spreading and increase of the same, and in order thereto such persons as are in prison upon the accompt forsaid, and in special Anthony Haig of Bemersyde, and [Andrew] Robison, should be brought before the Council for contravening the saidis Acts of Parliament, and to that effect that a libel be drawn at the instance of his Majesty's Advocate and given to the saidis persons, to see and answer at such times and diets as the Council shall think fit: The saidis Lords do hereby approve of the said report, and ordain letters to be direct against the said Anthony Haig and [Andrew] Robison, and all others Quakers against whom information shall be given.<sup>1</sup>

Regarding what was done during the following two months by way of giving effect to this decision of the Lords of the Secret Council, there is no record; but on the 1st of February 1666, the business again comes up before them, the Committee once more announcing their opinion that the Quakers should be proceeded against as excommunicated persons, and that this should be done by a charge of horning and denouncing, with the taking of their escheats—in other words, the confiscation and appropriation of their estates. It is also recommended, "that in order to the drawing up of a libel against Andrew Robison and Anthony Haig, Quakers in prison, ane order of Council be direct to such ministers as can exhibit any information against them, to bring in the same

<sup>1</sup> *MS. in Register House.*

to the King's Advocate," and "particularly ordaining Mr Thomas Donaldson<sup>1</sup> and . . . .<sup>2</sup> ministers, to bring in such information, writings, books, or papers as they have anent the said Quakers or any others." Cognisance was at the same time taken of certain other Border Quakers, and instruction given that an order of Council be issued for "apprehending Raeburn and Charles Ormiston, merchants in Kelso, and sending them prisoners to the Tolbooth of Edinburgh."

The case of Scott of Raeburn afterwards assumed a singular aspect, by reason of his brother, Sir William Scott of Harden, and his brother-in-law, M'Dougall of Makerstoun, taking measures, owing to the dangerous and obnoxious nature of Quaker doctrines and teaching, to deprive him of the guardianship of his own children, and to have them placed in neutral hands for their education and upbringing; which tyrannical proposal was duly given effect to by the Lords.<sup>3</sup>

In the case of the Laird of Bemersyde, it would appear, as formerly referred to, that Mr Thomas Donaldson, minister of Smailholm, and some one or more ministers of the district, were depended upon as the chief witnesses against him and his fellow-prisoner Robertson. Either their evidence had not been of a very substantial kind, or, as half appears from the dilatory manner in which the prosecution had hitherto been conducted, the Lords were not really desirous to push matters to extremes against

<sup>1</sup> Mr Thomas Donaldson was minister of Smailholm from 1640 to 1673.

<sup>2</sup> A blank.

<sup>3</sup> Cf. *Lockhart's Life of Scott* (1837), i. 69; Introduction to *The Heart of Mid-Lothian*; and Chambers's *Domestic Annals of Scotland*, ii. 311.

the Quakers, especially as it may now have appeared to them that Quakerism was not the wild and dangerous thing of which it gave promise in the loud fanaticism of its first outbreking.

Nevertheless, Anthony Haig was not released. The year 1666 was still spent in prison, as the previous two and a half years had been; and it was not till the summer of 1667 that he began to entertain hopes of release. This is to be gathered from a letter of his brother William, who, now that the plague was abated, had returned to his duties in the English metropolis.

*Anthony Haig, at the Thrid, near Bemersyde; These.*

DEAR BROTHER,—Having heard that the bands of the men of this world begin to unloose, and the fast-tied cords wherewith thou hast been tied, begin to slip, doth not a little rejoice my heart, and satisfy me abundantly of the prospering of the work which is begun. Though with the seeming face of weakness or imperfection, yet assuredly whatever may be the event of this particular step, I doubt not but the Lord may make way, even by this small beginning, for the enlargement of those (whose minds are satisfied) lying under the power of the oppressors. Let me hear from thee how thou orders thy affairs in Scotland; also towards that affair in Holland. Let my love be dutifully remembered to thy wife, and to all friends, and to Elizabeth.

WM. HAIG.

London, 11th 6th mo<sup>th</sup> [Aug.], 1667.

Let me know how it goes with thy affairs as to Purves; and how it's with thee in thy estate; and whether thou intends a journey to Germany or not; and how it is with Friends, as to their increase or otherwise.

WM. HAIG.

The "particular step" to which the writer alludes,

for the enlargement of those “ whose minds are satisfied,” may have reference to rumours of an Act of Indemnity then in contemplation, and which was actually proclaimed in December of that year, by which the King was pleased to consent that those “ noblemen, gentlemen, heritors, and feuars, who shall enter in bonds for themselves, tenants, and servants, to keep the peace,” shall not be pressed to take the Declaration—that is, of the King’s spiritual supremacy. But whether or not this Act was the “ particular step ” alluded to by William in his letter, his brother was taking independent measures in order to obtain at least temporary release ; for on the 12th of December 1667, as we find from the Privy Council Minutes, the Lords had before them a petition from Anthony Haig of Bemersyde, showing that “ he hath near these five years past been detained prisoner in the Tolbooth of Edinburgh, to the prejudice of his affairs, and especially of several business in Holland which had been intrusted to Sir William M’Dougall, his uncle, now deceased.” In answer to this petition the Lords “ grant order to the magistrates of Edinburgh to set the supplicant at liberty, in order to his removal off the country to Holland, and ordain that within six weeks he depart off the country, wind and weather serving, and that within twenty days after his return to this kingdom he re-enter his person within the Tolbooth of Edinburgh, under the pain of a thousand merks.”

Five days after this warrant for his liberation was issued, Anthony Haig, as we find from a memorandum written by himself, left the Tolbooth ; but as in this memorandum he makes no allusion to his free-

dom being only temporary, and as he does not appear to have gone to Holland till 1669, it is not improbable that he had yielded assent to the conditions embraced in the Act of Indemnity above referred to, and thus obtained complete liberation. There is evidence, also, that a few months previous to this the Lords of the Privy Council had subjected the Laird of Bemersyde to some fine ; as in the beginning of November they placed an arrestment on the rents of his tenants and feuars, enjoining them to pay into the hands of the King's advocate the particular "mails, fermes, duties, sums of money," etc., otherwise payable by them to Anthony Haig. After his liberation he was probably successful in obtaining either a mitigation of the fine, or the means to pay it in full ; as no more is afterwards heard of the matter. At all events, in December of that year, he regained his liberty, and came back once more a free man to his home on Tweedside. Although writing much in his diaries about matters of the most trifling moment, he modestly makes but little reference to this, the following being the sole record he has left of the fact of his imprisonment :

"A MEMORANDIME NOTT : Item, on the 17 day of 10th month [Dec.] 1667, I cam out of prisone, having conteinued there about 4 years and 4 months, for a testimonie for Trueth."

*Anthony Haig*

## CHAPTER XI.

1668-1712.

Anthony Haig, on his release from prison, devotes himself to his property—Domestic transactions—Education of his children—Inventory of his household goods, etc.—Commercial and banking transactions of the period—The Laird of Bemersyde implicated in the abduction of an heiress—His final clearance of the burdens on the property—Removal from the Thrid to Bemersyde—Record of his improvements on the estate—His brother William emigrates to America—His death there—Anthony Haig's family—Marriage of his daughter, and her "plenishing"—Singular quarrel with his son—Epistolary correspondence as to quarrel—Friendly mediation by neighbours—Obadiah Haig draws up family genealogy—His departure for America, and death on the voyage—Anthony Haig's lawsuits—His death.

WITH his exit from prison, Anthony Haig's public "testimony for Truth" came to an end, and his name nowhere again occurs in connection with the civil and religious troubles of the period. To what motives of a more or less mixed kind this fact was due, it is difficult now to determine. It is not improbable that he found his affairs at Bemersyde so much in need of adjustment after his long absence, that he resolved that for the future no barrier should be allowed to come in the way of these receiving his chief attention, in order that he might



thereby the more surely accomplish the chief object of his life. It is possible, also, that his zeal in behalf of Quakerism became less ardent as his mind matured; and there is certainly evidence that he was not again troubled on this score by the Government. Not that repressive measures against the Quakers had ceased: for Walter Scott of Raeburn was not only fined, but detained in prison till 1670; and in 1673 there were eleven men in Kelso prison for attending a Quaker meeting.<sup>1</sup> But we are disposed to think that the Laird of Bemersyde, in the course of years, divested himself largely of those attributes of Quakerism which at one time formed so conspicuous a feature in his character, if indeed he did not abjure the sect altogether. For one thing, he abandoned in his later years the exclusive use of the singular pronoun in addressing his correspondents, and followed the usual custom of the world in this matter. Then, again, in the various lists of Berwickshire gentry and others, who between 1668 and 1688 were fined for their religious nonconformity, his name in no one instance appears—a fact, also, which is noticeable as regards most of his old Quaker confederates. He seems, moreover, to have been on good terms with Mr Andrew Meldrum, who was “Episcopal” minister of Mertoun from 1675 till ejected in 1689; as we find the latter more than once subscribing his receipts for his stipend, between 1675 and 1680, “with his own hand, at the Thrid,” and after the latter date “at Bemersyde,”—places to which he was not likely to go on such an errand if he and the Laird had not been

<sup>1</sup> Robert Chambers's *Domestic Annals of Scotland*, ii. 345.

on a friendly footing.<sup>1</sup> It may likewise be noticed in this connection, that after 1667 he ceased to give his children those exclusively Scripture names by which he had distinguished the six elder of them; the three born to him after that year being called respectively Hibernia, William, and Joan. But the most convincing piece of evidence of the whole is, that in 1686, and while the persecutions under James II. were at their hottest, he was appointed a Commissioner of Supply for the shire of Berwick, along with the Duke of Lauderdale, Sir William Scott of Harden, James Dickson of Belchester (afterwards his son-in-law), and others<sup>2</sup>—an honour, such as it was, which would not have been conferred by the King's ministers upon one of the disaffected. It may therefore, with confidence, be assumed, that if the Laird of Bemersyde had not by this time abandoned altogether the particular sectarian propensities of his earlier years, he had at least ceased to render himself thereby obnoxious to the powers that were.<sup>3</sup>

<sup>1</sup> This was the minister ejected by Kirkton, as already referred to (p. 267 *n.*) The author of a MS. "List of Episcopal Ministers in Parishes at the Revolution," says that Meldrum was "a scandalous drunkard;" but this must be taken in the same line as the many scandals which Kirkton, Law, and others delighted, if not in fabricating, at least in propagating, of those who differed from them. It is somewhat remarkable that such men, while certainly devoted to the free expression of their own principles, and willing to undergo any amount of suffering, even death itself, for the sake of that freedom, were so markedly intolerant of others. This intolerance, however, was not so much a personal characteristic, as a characteristic of the age in which they lived.

<sup>2</sup> *Acta Parl. Scot.*, viii. 610.

<sup>3</sup> The account which Sir Robert Douglas, in his *Baronage* (p. 135), gives of Anthony Haig, forms an amusing commentary on the value of much of the family history of the period. Here it is—the reader is now able to judge for himself what relation it bears to the truth: "Anthony in his father's lifetime, when but a young man, entered into the Swedish service, and for his merit was promoted to the command of a troop of horse. He raised fifty men in Scot-

Returning, then, to his domestic affairs, we find him, throughout 1668 and part of 1669, living quietly at home at the Thrid, attending to his ordinary avocations as a country gentleman. His brother William was still in London, but with his thoughts gravitating more and more towards America, to which country he finally, about twelve years thereafter, emigrated. At present, he was preparing for a voyage thither on mercantile pursuits, from which voyage he returned in 1671. A letter at this time addressed to his brother will show what his hopes and purposes then were.

*For his Brother Anthony Haig of Bemersyde, to be left at Glen's Shop in the Parliament Close in Edinburgh, Scotland, These.*

BROTHER,—Since I came to this city, I have been in the country with Obed. Lowry, and am now returned; and am, in order to my Virginian voyage, buying goods. Gavin Lowry's son goes partner with me. Gavin is very loving, and says still that if any man will lend me one hundred pounds, he will lend me so much more. However, he does double my stock, and is at the trouble to buy all my goods for me. His love is far more than I can desire, or expect.

I am not yet certain what ship I go in, but I suppose it will be the *Duke of York*, one of the best ships in England. Captain James, commander.

land for that service, and clothed them upon his own expense. But, being no less a great loyalist than his father had been, his estate was sequestrated by Oliver Cromwell, and he suffered a long imprisonment, and many other hardships, during the usurpation. However, he lived to see the happy Restoration, and was frequently employed by King Charles II. as one of the commanding officers of the militia for suppressing the insurrections in that reign." It is worth noting that this total misrepresentation of the whole career of an individual was written and published in the same century in which that individual died.

Mind my love to Saunders Paterson, and to Elizabeth Haig, and my dear love to thy wife. Thou may expect to hear from me or I go. Let me know how it is with our Friends when thou writes, and direct thy letter to Gavin Lowry's, in Houndsditch, at the Helmet; and if thou hast or can procure any more money, thou sees what advantage it would be to me. But I know thou hast done what thou canst, without somewhat be fallen in thy way since. It is like I may go in three weeks to sea. No more, but I expect a speedy answer. Farewell.

WM. HAIG.

London, 12th 6th mo. [Aug.], 1669.

This year Anthony Haig also made what was in those days a long journey, spending some time in London, but apparently having been in Holland as well. In his absence his friend David Falconer resumed his former services in the way of attending to the estates, and in this capacity had occasion to address a letter to the absent Laird. In this letter he refers, as on a former occasion, to the money which the Laird of Bemersyde was due to Walter Scott of Raeburn, who, on 1st January 1670, after suffering imprisonment first at Kelso and afterwards at Edinburgh, for a period of altogether four and a half years, and being heavily fined, was set at liberty from jail, but still to remain within his own lands under a penalty of one hundred pounds. The Laird of Bemersyde's correspondent, therefore, after stating the necessity of some pressure being put upon the Harieheugh tenants to get them to pay their rents, says: "For it will be fit, yea, very needful, that thou pay Walter the money he answered thee in thy need,

for the not doing of it will both prejudice thyself, and, I am afraid, hurt him, whose time of winnowing by the enemy draws near, if not begun; and thou wilt stand in need of oxen and other things needful to thy husbandry from him." Friend David is likewise desirous that some local evils should be remedied at Bemersyde, and draws the Laird's attention to the fact that "the people of Dryburgh has been in custom, through the negligence of the tenants in Bemersyde, to eat in a meadow that lies next to their own corn, and though they have no just right to it, yet by possession claims on. So I would have thee writing to Jeames, asking who is ringleader in it, and to the rest to keep off thy ground, and likewise ordain thy officer to make interruption by taking poinds of them." This candid friend of the Laird's seems to have been by no means averse to taking cognisance of his domestic as well as his business affairs. In a former letter we found him exhorting the Laird to "keep in the true dominion" over his wife; and now he winds up this letter by a postscript, in which he tells him: "Thy wife is in health, and thy children. Thy daughter Hannah is sadly neglected in her education, which one day will be thy grief."

The hint in the final sentence was not lost on the Laird; for after his return to Bemersyde he took steps to procure a tutor for his children, of whom Zerubabel was now the eldest surviving son, and which tutor was also evidently intended to keep a school at the same time for the benefit of the children of the tenants and feuars on the estate, for

whom the parish school at Mertoun may have been too distant. With this view he had written a letter to his old friend and factor, Alexander Cheisly, merchant burghess of Edinburgh, desiring him to find one qualified to act in the above capacity; to which his correspondent replies, after being successful in his quest.

*For the much-honoured the Laird of Bemersyde, These.*

MUCH-HONOURED SIR,—My humble service presented to you, your lady, and children. According to the desire of your letter unto me, to send you out an intelligent person who was capable to teach your children, and having used my utmost endeavours, I got the bearer hereof, Mr James Barclay, who is the son of an honest merchant in Saint Andrews, who is supposed to be unquestionably able to answer your expectation in the matter, and both by my friend's relation, and to my own experience, is undoubtedly honest, and truly qualified; and I doubt not but, after trial, he will truly satisfy you. I had some difficulty to get him to comply of accepting of that fifty merk per annum, with his bed, board, and necessar commendation<sup>1</sup> in your own house, with the benefit of the school; but at length he submits to your honour's will what it may be. Sir, being thus, I desire, if necessity occasion, that ye may advance him four or five dollars or so, and place it in my accoumpt, by reason of my acquaintance with himself, and others his relations. No more at present, but that I am, Sir, your honour's most humble servant,

AR. CHEISLIE.

Edinburgh, Dec. 31, 1671.

Send me at the first occasion the rest of your bonds I have now in custody.

It would appear from the above that in 1671 a

<sup>1</sup> Accommodation.

salary of fifty merks, with bed and board, and the profits of a school, was considered rather less than this St Andrews student was at first disposed to accept. Fifty merks was £33, 6s. 8d. Scots, or about £2, 15s. 6d. sterling. But if we take the relative values of money now and at that time, the salary may be set down as equivalent to about £25 sterling in the present day. A century before the date in question, as we find from "The Register of Ministers and Readers in the year 1574,"<sup>1</sup> the minister who had charge of the combined parishes of Mertoun, Maxton, Lessuden (St Boswells), and Smailholm, had a stipend of but £66, 13s. 4d. Scots; while the "readers" who did duty under him at these four places had each a stipend of £16 Scots, with the kirk lands, which lands at that date had an average annual value of four pounds—the yearly income of a reader being therefore but £20 Scots in all. The stipends of ministers had risen slightly between 1574 and 1671, but not so much as to do away with the frequent and justifiable complaints of the Scottish clergy of inadequate remuneration. Viewed, therefore, in relation to the stipends of the ministers of the time, this salary of £33, 6s. 8d., with board and the other additional sources of income, which Mr James Barclay was to receive as tutor and schoolmaster at Bemersyde, was by no means so meagre as at first sight may appear.

A few months before the date of the above letter, William Haig was at Bemersyde, after his return from America, and received from his brother payment in full of the three thousand merks remaining

<sup>1</sup> *Miscellany of the Wodrow Society*, i. 375.

of his patrimony, for which he had accepted a bond on the estate in 1660, and which he now "thankfully discharges." In the following year, 1672, he was married to Mary Lawrie, daughter of his old and valued friend Gavin Lawrie, their eldest son Obadiah being born to them on 1st September 1674.

In the years 1671 and 1672, we find the Laird of Bemersyde engaged in a matter which gave him no little anxiety and trouble. It was this. In the course of the first-mentioned year, he had occasion to pursue certain creditors before the Lords of Session in Edinburgh for payments due to him, whereupon these creditors called in question his right to pursue; their defence being that his grand-uncle, William Haig, had been forfeited in 1633, and that, while pursuer had succeeded to the gift of William Haig's escheat, that gift extended to moveables only, whilst the payments in question were heritable. The Court sustained the defence.<sup>1</sup> The consequence of this decision was, that the Laird of Bemersyde, either anxious about the validity of his general title, or fearing that some other branch of his grandfather's family might come forward and dispute the succession, took steps for the resignation of his whole lands into the hands of the Lords of Exchequer, which being done he received an instrument for the new infestment thereof to him and his heirs. This instrument is dated 16th February 1672. Whereupon Bemersyde again raised his action against the above parties, and got decree in his favour in 1674.<sup>2</sup>

<sup>1</sup> Stair's *Decisions*, ii. 15.

<sup>2</sup> The Laird's detailed account of the expenses of this lawsuit shows that it



Evidently in connection with this transaction, he makes up, on the 31st of March 1672, an inventory of his moveables at the Thrid, including his farm implements and household furniture, as also "ane account of such plenishing as was given up to me by my wife, which she had in her custody," at the date in question. Unfortunately we have not the whole of this inventory; part of it, especially his wife's "wearing clothes," being set down in "the little long book" which is lost. To the curious in such matters, however, it may be interesting to know that "the Lady Bemersyde" at this time possessed, among other things, eleven pair of linen sheets; twenty pair of good blankets, "besides what is made use of in the women's bed below;" eight feather beds, and ten feather bolsters; eight folding beds and bedsteads, "such as they are;" a dozen plates, "being pewter," and a dozen pewter trenchers; with seven silver spoons, and four candlesticks. From a list of "some of the rest of my plenishing," we find that the Laird had a dozen chairs, with one "resting chair;" two cupboards, four tables, and "a table in the kitchen;" two trunks, one long chest, one great chest, one long candle-chest, besides his "charter-chest, and a little one within it."<sup>1</sup> He had also a "hollands' chest," a lettern or writing-desk, two

cost him about £110 Scots. From his copy of the decree of 1674, we learn that the debtors referred to were George Moscrip, bailie in Jedburgh, and Thomas Rutherford, town-clerk there—probably as representing the burgh; the sum sued for being six hundred merks, with forty pounds Scots of accumulated annual-rent, all as contained in a bond granted to William Haig in 1632, whereby the borrowers had taken themselves bound to repay the loan at Whitsunday 1634; a few weeks after which time William Haig had left the country.

<sup>1</sup> Anthony Haig's "charter-chest" is a box of moderate dimensions, with an arch-shaped lid, fastened with an iron latch and lock, the whole being covered with goat-skin, and clasped at the joints with iron.

looking-glasses, one buffet-stool, and “a furm [form] in the hall,” with two harts’ horns, presumably for the ornamentation of the same. In the higher department of household art, he had four portraits, one weather-glass, and a clock. Of miscellaneous chattels, he had five “pewter stoups, little and big;” salt-vats and wine-cellars; a lem<sup>1</sup> posset-cup and a porringer; five cookery pots; a “great frying-pan,” and a “great dropping pan;” two pair each of spits and raxes,<sup>2</sup> crocks<sup>3</sup> and tongs, and two pair of “bellises” (bellows). “Then there is,” he adds, “the furnishing of my cellar, in which I know not what puncheons, what barrels there is.” In farming and other implements, he had two “kirns” (churns); two “cowpes” (baskets for catching fish), with “all other graith<sup>4</sup> completely belonging to them;” three barrows; a horse-cart and a stone-cart; three ploughs, “two of which hath complete graith;” and three pair of harrows, “of which there is five iron ones.”<sup>5</sup>

This was indeed a busy year with Anthony: he having now dropped down, good man, from a high-souled enthusiast bearing “testimony for Truth” in the Tolbooth of Edinburgh, to a commonplace Merse Laird, making up careful inventories of his wife’s plenishing and his own, and quarrelling “consumedly” with merchants and lawyers over petty questions of annual-rent, and with his tenants and feuars over their “mails and fermes;” a cautious, scraping, narrow

<sup>1</sup> Loam = earthen.

<sup>2</sup> Andirons.

<sup>3</sup> *Crock* or *crook*, “an iron chain, with its appropriate hooks, by which vessels for cooking are hung over the fire.”—*Jamieson*.

<sup>4</sup> *Graith*, which here means *apparatus*, is a word of wide application, and is also used to denote clothing, harness, and appurtenances generally.

<sup>5</sup> See Appendix No. XI.

man; only saved from the charge of selfish hoarding by our knowledge that this parsimony of his, overstretched as it might sometimes be, was dignified by the nobility of its end, which was the relieving of his house from the depressing growth of indebtedness that had so long held it captive in its chilling grasp. Even now, though not till after fifteen years of "wrestling," he was beginning to reap the harvest of his pains; and before long we shall find that he has substantially accomplished the object of his desire, the end towards which had been unfailingly directed the whole "inclination of his heart and affections."

In the year 1672, moreover, he was busy with his improvements at the Thrid. The great blind walls of the old tower, built hundreds of years before, rather with a view to the safety than the comfort of its inmates, were not suited to the needs and refinements of the latter half of the seventeenth century; therefore the Laird wisely resolves to break out the walls, and substitute for the old slits and shot-holes, five windows, glazed and latticed after the fashion of the day. He has left us "A memorandum what the cutting out and completing of my windows of the Thrid cost me," from which we learn how far from the locality he had to travel before he could gather together the various materials required for this trifling improvement. The iron work, which cost him three pounds Scots per window, was made at Berwick. The boards for the lower or latticed portion of the windows were brought from Edinburgh, the styles then in vogue not having probably as yet got the length of the Bemersyde craftsman—and these

boards, two for each window, "stood" the Laird "two shillings sterling the piece, that is, four shillings per window." For the glass he sent to Kelso, and this "stood" him six shillings sterling per window, "with half a boll of bear a bunteth"—*i.e.*, by way of bounty or premium. No doubt he had pressed the merchant down to the last farthing, and by way of composing their differences had promised to send half a boll of barley with the carrier of the glass, by way of luck-penny, on his return to Kelso. Each of the windows, complete, mason-work and all, cost him forty merks Scots, or about £2, 5s. sterling. He adds: "The whole expenses of repairing of the Thrid (as it is) before the 28th of September 1672, stood me £366, 8s." Of his other improvements we shall again hear.

Meanwhile, his affairs in Holland were giving him trouble, and he made a second journey thither in 1674, returning by way of London. While here, he had assigned to him by his brother certain bonds for moneys which the latter had lent three years before to Alexander fourth Earl of Home. One was for a sum of four hundred merks, another for three hundred merks, and a third for three hundred and seventy pounds Scots, with fifty pounds added in name of "liquidat expenses."<sup>1</sup> This noble family was then, in common with almost the entire gentry and nobility of Scotland, in circumstances which could not be described as affluent.<sup>2</sup> This condition of the higher

<sup>1</sup> The deed of assignation of the last-named bond is witnessed by Isaac Swinton, "son to John Swinton, elder." These assignations may have been occasioned by the death of the Earl of Home, which took place in 1674.

<sup>2</sup> In Anthony Haig's Memorandum Book, for instance, we have such entries as these: "On the 3d of November 1673, my brother left with me ane bond

classes was due partly to the enormous exactions of the Government in the shape of cess-money and other taxes, but chiefly to the state of transition through which the country was passing, and which necessitated these classes depending more than ever before upon the proceeds of land cultivation—an art of which they knew but little. As a consequence, they were constrained from time to time to mortgage their estates to the richer merchants of Edinburgh and elsewhere, whose wealth enabled them to lend large sums of money upon the security of these lands, at a rate of interest or annual-rent varying from six to eight per cent. Had these merchants—the bankers of the period—chosen, unitedly and suddenly, to call up the numerous bonds which they held, there need be little hesitation in affirming that the greater portion of the estates in the South of Scotland would have been found transferred from the noble and ancient families so long associated with them, to the possession of such men as Alexander Cheisly, merchant burghess of Edinburgh, and Charles Ormiston, merchant in Kelso. The transactions of the latter merchant with the Border lords and lairds appear to have been very extensive, he having large bonds over many properties, at a rate of interest which almost swallowed up the whole money rental. It was thus that when an estate once became encumbered, it was a matter of the extremest

and ane bill, for one sum, continuing twenty-one pound five shillings sterling, granted by the Earl of Home. Also ane other bond by him, wherein Lees and John Trotter is cautioners, for seventeen pound sterling. Moreover, ane other ticket by John Trotter of five pound sterling for the use of the said Earl. Which papers I am to deliver up to my Lady [the Dowager Countess], and she is to give her bond for the whole sums."—*See ante*, pp. 239, 240.

difficulty to clear it again without the alienation by sale of a portion of its territory. Thus also it came about, by the simple operation of the law of debtor and creditor, that a period was put to the territorial existence of a greater number of Border families during the seventeenth and eighteenth centuries, than was chargeable against the whole of the previous three centuries of feuds and armed contentions.

While Anthony Haig was still in London with his brother—both working no doubt, as usual, "for the improvement of moneys"—his wife was struggling at Bemersyde to gather in the harvest in one of the most inclement seasons that Scotland ever experienced. The year, as regards weather, began badly, and the *Thirteen Drifty Days* in which the storm culminated in the month of February, were long remembered in the traditions of the people. It fell with the greatest severity upon the Borders—"the most part of the country lost the most part of their sheep and many of the nolt, and many all their sheep. It was universal; and many people were almost starved for want of fuel."<sup>1</sup> The summer and autumn were alike unpropitious. There was no shearing, Law tells us, till October, and much of the corn was green when cut even then.<sup>2</sup> The Laird of Bemersyde, with his daughter Hannah, not having as yet returned from London, his wife writes him an account of the state of things at home. The letter is for many reasons curious, chiefly as an illustration, of which there are many among these papers, of the indifferent character of the education of the ladies of that time. It

<sup>1</sup> *History of Peeblesshire*, by William Chambers, LL.D., p. 189.

<sup>2</sup> *Memorials*, p. 74.

may be mentioned, however, that while its orthography is more than usually erratic, the hand-writing is fair, and possesses at all events the first essential of good penmanship, legibility.

*ffor the Lard of Bemersyde, to be left at William Haig in  
Lumber Street in Georges Yeard, London.*

Thrid, 30 October 1674

MY DEAR HART,—I resewed your letre that you wret in Hague. I am glad that your brother is so kind to you.<sup>1</sup> It is a bad harwist tim heir; I newr<sup>2</sup> sawe the llik in my dais. It haw bine a grit trwble to me; I had newer<sup>2</sup> the lik in my tim. Bemersyde is tinded<sup>3</sup> on the 26 of this instand. Your sons is at Kelso Schoell, and Margrat Lowri with them. Your chirldring ar all weill at the presand, and minds ther lowf to the. I wold be glade to heir of they com hom.<sup>4</sup> To writ about bisnis it wold be tidous. I resewed tuo letrs from your dawter sinc shoe went to Lowndane; your brother Wielame writs mikell to her comdasion. I am glad that I am the mother of shwch<sup>5</sup> a child, as so weill be lowfd with all hir frinds. I wish it may continue. Mind my lowf to your brother John Prat, and tell him I wold be glad to sie him in Scotland, in the Thrid. Fer weill. I rest,

Yowr loweing wiff,

JEANE HOME.

Johen Spadis father and mother think long to heir from him.<sup>6</sup>

My dear, thow haw fied a bad hind—trwbls me mikel.<sup>7</sup>

<sup>1</sup> This probably refers not to William Haig, but to the Laird's half-brother, Bernhard Johan Prott ("the child John"), whom he visited in Holland, and who is afterwards named in the letter.

<sup>2</sup> Never.

<sup>3</sup> Teinded.

<sup>4</sup> Thy coming home.

<sup>5</sup> Such.

<sup>6</sup> John Spades' rather peculiar family name seems to have been perpetuated at Bemersyde, for one of the farms on the estate still bears the name of Spadeslee.

<sup>7</sup> Thou hast hired a bad hind (*i.e.*, farm-servant)—troubles me much.

In the years immediately following the return of the Laird of Bemersyde from London, he was engaged in a long lawsuit with Lord Cardross, then possessed of the temporalities of Dryburgh Abbey, over a question of teinds, about which he has left many elaborate instructions and directions for the use of such of his posterity as may have occasion to require them, but which would have but little interest for the general reader. He was also in litigation between 1675 and 1679 with John Haliburton of Newmains over a question of "thirlage of crops"—the latter contending that all the corn grown on Bemersyde should still, as stipulated in the marriage contract of 1592, before described,<sup>1</sup> be sent to his mill at Dryburgh to be ground. This difference was compromised, as we shall find, in the beginning of 1680, but was afterwards renewed by the Haigs in 1703. Anthony was at the same time maintaining a bitter dispute with his neighbours of Mertoun upon the old subject of contention between them as to the Loch of Bemersyde,<sup>2</sup> the Laird holding that no portion of the Loch ever belonged to the Mertoun proprietors, they having no right to come farther on their side of the Loch than "coulter and sock." The matter, on being referred either to arbitration or judicial decision, appears to have gone so far against Bemersyde, in that the Loch was divided equally between the disputants,<sup>3</sup> evidently much to

<sup>1</sup> *Ante*, p. 115.

<sup>2</sup> *Ante*, pp. 121, 122.

<sup>3</sup> The half of the Loch thus dissevered from the estate was repurchased by the present proprietor of Bemersyde in 1879, so that things have returned to the condition from which Anthony Haig thought they should never have been shifted; the whole of the Loch, such as it now is, forming part of the Bemersyde property.



the Laird's dissatisfaction, who has written down a very serious, yet amusing, history of the contention, abounding in his characteristic wealth of detail.<sup>1</sup>

About this time he became involved in an affair which drew down upon him a severe rebuke from his brother William. This was what was known as the abduction of Jane Home, heiress of Ayton. This young lady, after her father's death, had been placed under the care of her relative the Countess of Home; and as the lands of Ayton had been bequeathed to her by her father, in her sole right, and to the exclusion of the nearest heir-male, Home of Plendergast, this gentleman, by way of reparation, had determined to have the heiress married to a member of his own family. When she was of age for the choosing of her curators, he presented a petition to the Privy Council, desiring that she should be brought to their bar for this purpose. The other relatives of the family were, however, averse to Plendergast being by any possibility appointed one of her curators, and they therefore came to the extraordinary resolution to abduct the girl.<sup>2</sup> Accordingly, the Countess's brother-in-law, Charles Home, accompanied by Sir Patrick Hume of Polwarth, Alexander Hume of Linthill, John Hume of Ninewells, Robert Home of Kimmerghame, elder, and Joseph Johnston of Hilton, proceeded to the young lady's residence, and hurried her off across the Border. "There they, in a most undutiful and unchristian manner, carried the poor

<sup>1</sup> See Appendix No. XII.

<sup>2</sup> Robert Chambers's *Domestic Annals of Scotland*, ii. 390, 391; and *Privy Council Records*.

gentlewoman up and down like a prisoner and malefactor, protracting time till they should know how to make the best bargain in bestowing her, and who should offer most. They did at last send John Hume of Ninewells to Edinburgh, and take a poor young boy, George Home, son to Kimmerghame, out of his bed and marry him to the said Jean, the very day she should have been presented to the Council." Yet even while this outrage was being perpetrated, the Countess appeared before the Council and apologised for the absence of her ward "as being sickly, and not able to travel, and not fit for marriage for many years to come." But the Council coming to a knowledge of the facts, dealt sharply with the offenders, fining the principal of them heavily, disannulling the marriage on the score of its irregularity, and casting Charles Home, afterwards Earl of Home, as also the bride and bridegroom, into Edinburgh Castle.

It was at this point, evidently, that the Laird of Bemersyde became connected with the affair. It must have been a matter of the utmost difficulty at that time for Charles Home to pay such a fine as was likely to be exacted from him for his offence; and the Bemersyde and Home families being always friendly, and, as we have seen, having frequent money transactions with each other, the Countess probably brought her influence to bear upon the Laird to induce him to afford them some relief from the consequences of the disgraceful plot in which they had been engaged. Up in London, William Haig has come to hear of this, and at once writes, severely reproaching his brother for his conduct.

*For Anthony Haig of Bemersyde, These.*

London, May 31, 1678.

DEAR ANTHONY,—This opportunity, p. Jno. Chatto, I take to acquaint thee we are all well, and hope the like of thy family. My little Obadiah grows a man—a fine child. I long to see thy family, but this city is so big I cannot get through it.

I am extremely sorry to hear of thy foolish and rash engagement for that abominable villain Home, who is hated of God and good men, a reproach to his family; and when I heard it, I thought it did not bespeak Anthony Haig—a man so much for the standing of his family, ambitious of leaving his children without encumbrances—and at once embark himself with a bankrupt, and not only himself, but his poor children. Well, Anthony, if it be so, God forgive thee for it! Thy children will have cause to remember the folly of their father when thou art gone. I am deeply troubled for it.

My love to all friends. Farewell.—Thy brother,

WILLIAM HAIG.

This letter, more especially its reference to the Laird's ambition for the standing of his family and the removal of its encumbrances, must have touched him to the quick; for at this very time, and probably with his brother's help, he was endeavouring to compose his differences with the Haliburtons consequent upon the dispute as to the mill, with the intention of clearing off the mortgage which the latter held over a portion of the estate, and resuming the family occupation of Bemersyde House. In the negotiations that ensued, the Laird was successful in securing this his darling object; for in his Memorandum Book, under date 19th February 1680, he notes that John Hali-

burton of Newmains and he had "agreed all controversies between them, which ended the said day by the sale"—that is, the redemption—"of the Mains and Place of Bemersyde, and that part of the Nether Mains which I have got off to make a park, for which I was to give him in 13,000 merks. Many hard conditions," he adds, "put upon me, which I did all undergo for to obtain my chief House and Mains." In making up the necessary funds for this purpose, he had recourse as usual to his old Quaker confederate, Charles Ormiston of Kelso, to whom he had a few years previously alienated his whole rights in his wife's estate of Harieheugh; and the said Charles has occasion afterwards, as he had also had previously, to *thee* and *thou* the Laird in many rather sharply worded epistles on the subject of past-due repayments and tardy annual-rents.

But what of all this to Anthony at present! He had succeeded in redeeming, in "buying back" to the family, what he fondly and felicitously calls their "MOTHER-HOUSE,"—the object of his life-long sedulous saving and scraping; and he may well be excused a little blindness to his future under the new burdens he had in so doing entailed upon himself. His cup of joy for the present was full; and in his happiness he sent to Kelso for his boy Zerubabel, "laid him in his bosom that night, and gave him all his reasons" why he had done this thing. Twenty years afterwards he sets down a careful record of the whole; and this time not in his ordinary Memorandum Book of worldly business—it was too sacred a transaction for that: but in a blank leaf of the

“big ha’ Bible”—the hallowed repository of memorable events in many a Scottish home. Only a fragment of the old Book now remains, but that fragment contains the precious record; and some fair descendant with loving hand has carefully stitched together the few leaves that are left, and here they are in their coarse brown cover before us.

We give the record as it stands: its quaint orthography and archaic verbalisms forming the fittest setting for the old man’s remembrances, in which the touch of excusable egotism, and the drifting from lofty thoughts down to the pettiest of petty details, are as loopholes through which we see the man himself as he lived, covering under what his neighbours might sometimes stigmatise as unbearable narrowness and “grippiness,” a very high and a very noble purpose.

I ANTHONIE HAIG of Bemersyd, borne on the 9<sup>th</sup> of February in 1639, in the city of Groningne, besyd West Frizland, on(e) of the United Provinces in Holland, procreat betwixt David Haig of Bemersyd and Hibernia Schols, whom he married in the forsaid city, and was a most virtuous lady. Be it known unto my successors, That it is I, the said Anthonie, that repared the Thrid, builded the Barne at the thorn-tree, made the garden and fish-ponds, planted the planting about the Thrid, except the row at the upper east syd of the garden. These things I write, that you may imitate my vertieus, hating my vices, and with me you may endeavour to perpetuate our ancient familie, which is, according to traditione left in our familie, either a familie left of the Pikes,<sup>1</sup> or upon the subjectione of that kingdome planted by a familie of the Scots, and ever since continued in our familie from father to sone, which I pray

<sup>1</sup> Picts.

unto God ffor, may continue as long as son and mone endueres, that Thomas Rymores prophecie may hold treue of our familie, which was, Com what will com, tyde what may tyde, A Haig shall be Laird of Bemersyde. Or it was in these words, Whatever happen or betide, A Haig shall be Laird of Bemersyde. Moreover, I bought back the place of Bemersyde, our head house, which for many years had been out of the hands of our famaly, which I advise you never to part with as long as God will blesse you with the Injoyment of a furre<sup>1</sup> of land : It is your mother-house, and head of your estat and famaly. It was I that reformed the walks of the garden at Bemersyd Place, and made the perks,<sup>2</sup> and planted all the young planting you see about the place and parks. I also made the green<sup>3</sup> before the toure-door, and removed the stables and barys<sup>4</sup> that stode betwixt the toure and the garden, and built them new where they now stand at the head or north syde of the old barneyeard, which I made a backe close,<sup>5</sup> and made this barneyeard which stands within the Parke. I planted all the fruit trees in the garden, except the apple trees which is within the uppermost waster<sup>6</sup> quarter. All those things aforesaid I did betwixt the year 1680 and 1695 by peace-maill at Bemersyd Place ; but what's done at the Thrid, I did before the said time, as ye will find in some of my minit Bookes. As also I made the volt<sup>7</sup> a dyning roome, and the sellers below bedchambers ; putting upe in the waster gavills,<sup>8</sup> to the heads, 3 chimlies<sup>9</sup> for that end, two of them to serve two chambers above that wanted chimlies.

<sup>1</sup> Furrow.

<sup>2</sup> *Perk*, for *park*, is still the provincial pronunciation of the word in that district of the Borders.

<sup>3</sup> A bowling-green. Anthony Haig's great-grandson, James Zerubabel Haig, a hundred years after this time makes the following entry in his diary, under date 8th September 1796 : " Found a half-penny of King Charles II. Scots coin, in sloping the bowling-green before the old house—a foot and a half below the surface of the green. It might probably have been put there when the green was made." Two cannon-balls, also, have since been dug up in front of the tower, probably relics of Hertford's assault in 1545.

<sup>4</sup> Byres (*i.e.*, cow-houses).

<sup>5</sup> Court.

<sup>6</sup> Western.

<sup>7</sup> Vault, or arched hall.

<sup>8</sup> Western gables.

<sup>9</sup> Chimneys.

Thus grotesquely does the record end : passing from a beautiful and high-toned exhortation to his descendants never to part with Bemersyde Place so long as they are blessed with the enjoyment of a “furre” of land—for it is their “Mother-house,” and head of their estate and family ; down to the explicit enumeration of “chimlies,” and of sundry bed-chambers that “wanted chimlies.” But it is the record of victory after a long life of self-denial, and is none the less impressive for what of grotesqueness mingles with it.

The alterations which Anthony Haig at this time effected upon the Tower and its surroundings left the old fabric very much as we see it at the present day. The offices which he speaks of having removed to the “north side,” or back, of the tower, were no doubt after the pattern of such erections as were in ancient times placed inside the *barmkyn*, or outer wall of the castle-yard, for the greater security of the cattle and other live-stock during the night. The two lower storeys of the tower itself were, as was common in this class of buildings, arched or vaulted—the arch of the second storey being built, for greater strength, in a direction at right angles to that below. The vaulted room or hall on the second storey formed the common sitting and dining room of the residents ; whilst the space below served as cellars in which to store provisions for the maintenance of the family and its dependants. The hall in Bemersyde Tower was many years ago changed into a library—a modern fireplace being made, and larger windows struck out ; the original arched roof of stone was, however, retained. Above this hall was the

Red Room—so called from the colour of its hangings. It was the principal bedroom of the family—the sacred chamber of the household, where their children were born, and whence their dead were carried forth. On the upper storey were sleeping-chambers for the other members of the family; and Anthony Haig, in 1690, in order to obtain more accommodation of this kind, converted the little watch-house on the top of the tower into bed-chambers also. For this purpose he removed the roof—at that time covered with large flag-stones, as that of Smailholm Tower is still—took down the bartisan walls at each end, and extended the watch-house so as to fill the entire space between the present crow-stepped gables; covering in the whole with a steep slated roof. In this way he secured two additional rooms above the battlements.

The court below, formerly occupied by the old walls and barbican that flanked the tower in front—the defensive structures of a ruder time—he was now content, as significant of the more peaceful era in which he lived, to lay out as a bowling-green, where the peaceful rivalry of *wicks* and *draws* might supplant the military exercises of an earlier day. In front of the tower he set up, where it still stands, an elaborate sun-dial—with numerous carved faces, each at a different angle to the horizon, on which the slowly moving shadows of their several gnomons should indicate for him and his posterity the flight of silent-footed time. Its upper portion is inscribed with his arms, and





the legend, "ANTHONY HAIG OF BEMERSYDE, 1691;" as also an ingenious monogram, in which the curious may still discover his own name and that of his wife half hidden and half expressed. These things, trifling as they are in themselves, are of interest as memorials of the careful old man and his pride and pleasure in his "Mother-house."

While these things were being done at Bemersyde, William Haig and his family had left London for America, whither his father-in-law, Gavin Lawrie, had preceded him. Some years before this, the Duke of York, afterwards James II., granted the great tract of land near New York, called East Jersey, to a company of twenty-four proprietors, at the head of whom was William Penn; Gavin Lawrie being one of the twenty-four. He was a leading man in his day in the sect of the Quakers, and the author of some writings relating thereto; and in the *Diary of Alexander Faffray*<sup>1</sup> is printed a letter addressed by him in 1676 to George Keith, Robert Barclay of Urie, and other of the Friends, then lying in Aberdeen prison. It is full of warm religious sentiment, and expressions of cordial belief in the ultimate triumph of the principles for which they suffered. He also had had his sufferings; for the editor of the *Diary*, quoting from a contemporary publication, says that on account of his religious principles Gavin Lawrie "underwent restraint on his property" in England. After Robert Barclay was chosen Governor of East Jersey, he appointed Gavin Lawrie deputy-governor, with a salary attached thereto of four hundred pounds; the latter afterwards attaining to the honour

<sup>1</sup> Pp. 286, 287.

of chief governor of the province. "This circumstance," says the above editor, "and a similar one, that of his being a joint trustee with William Penn and Nicholas Lucas in the assignment of West Jersey for the benefit of the creditors of Bylinge the proprietor, are mentioned in default of other information as evidence of the estimation in which he was held by his friends."<sup>1</sup> We have seen that from William Haig's first entry into the world of London, Gavin Lawrie had watched over him with all the care and affection of a father, guiding him in his commercial speculations, and assisting him both in person and in purse. When, therefore, Gavin removed to his new appointment in America, it was only natural that his daughter and son-in-law should follow him thither.<sup>2</sup>

As is evident from his letters, and from what we have been able to learn of him otherwise, William Haig was a man of high integrity, and considerable vigour of character; and his departure for America must have been to his brother a matter of no little regret. Their affection for each other was very marked, and notwithstanding the distance to which their special spheres in life separated them, their intercourse, even in those times when written correspondence was so much more difficult of trans-

<sup>1</sup> *Diary of Alexander Jaffray*, p. 288.

<sup>2</sup> In a rare little volume, entitled, "The Model of the Government of the Province of East-New-Jersey, in America, and encouragement for such as designs to be concerned there," written by George Scott, and published in Edinburgh in 1685, there are two letters printed, written in 1684 by Gavin Lawrie as deputy-governor in East Jersey, the first dated from Elizabeth Town, and addressed "to the Proprietors at London," and the second to a friend in the same city. Both letters dwell upon the advantages of East Jersey in regard to soil, climate, etc., as a place for intending emigrants. One of these letters is also printed in the *Diary of Alexander Jaffray*.

mission than now, was never allowed to fall off. The last letter we have of his was written from Philadelphia in 1683, five years before his death, which took place at Burlington, West Jersey, in 1688.

*For Anthony Haig of Bemersyde, Scotland.*

Philadelphia, August 1, 1683.

DEAR BROTHER, — Having the opportunity of John Barkly,<sup>1</sup> I send this to wish thee all happiness, and acquaint thee that I am yet amongst the living, in a country full of delight for those that can enjoy themselves in a husbandman's life—a life that I never had skill in; and there is that vast disproportion between the earth's stability and my fluctuating brain, that I almost despair ever to be of that fellowship. So that as I did formerly, so I do here—follow trade, but I hope to better purpose.

The sure way in these countries of thriving is by servants; which I desire thee to consider in respect of thy children: for I understand thou hast many. And it seems to me that Europe is unteaming herself to plant these Western parts of the world that craves inhabitants. In seven years' time, if we proceed according to our beginnings—of which I have no doubt—we shall be the envy of the world. Our Government is very stately, but solid; and liberty enough for all men, the profligat excepted; which wins the best of men to settle under it. Liberty for all men, in this way, that blasphemes not God, speaks not irreverently of the Scriptures, and pricks not at religion. Our Governor is a brave man, a man of ten thousand; but will not encourage a vicious man to live in his country. Our land is good and pleasant, our rivers large and full of fish, our air serene and most healthful. I give thee this account because I would have thee have thoughts, if not of coming thyself, yet of sending some of thy children.

<sup>1</sup> This John Barclay, a younger brother of Barclay of Urie, the well-known Apologist of the Quakers, ultimately settled in East Jersey, where he married and left a family.

My dear love to thy wife, and to Hannah, and the rest of thy children, and Elizabeth [his sister], also Bassendean, and Jno. Pringle.

I hope by this time thou art grown sober and serious—a condition my soul most desires; I can find no peace without it. Thou art seven years older than I am, and I am grown very grey; but it was time for us both to mend our lives seven years ago, and therefore now high time to be serious, and instead of considering other men's condition, seriously reflect upon our own. . . .

The last sentence of the letter, all but a few words, has disappeared. To judge by the grave tone of the concluding paragraph, in which he hopes his brother has now grown "sober and serious"—as if we could ever think of Anthony Haig as being anything else—and speaks of himself as having "grown very grey," one might imagine he was a man far advanced in life. Yet at this time he was but thirty-seven years of age, and he was but forty-two when he died. But life had been a very serious thing with him; he had worked his way at high pressure; and at thirty-seven he possibly felt older than some men do at sixty. His hopes for the future of his adopted country were cheerful and sanguine, and his description of its government was in strict unison with the spirit of that Puritan discipline which stepped on to its shores from the deck of the Mayflower in 1620.

Of the nine children that had been born to Anthony Haig, only five at this time survived—namely, Hannah, Zerubabel, Lazarus, Emmanuel, and William; and in December of the year follow-

ing the date of the above letter, another of these sickened and died. This was Lazarus, born in April 1665, and therefore at this time in his twentieth year. After the entry of his birth, his father has added: "My dear child died on the 29 of December 1684, about seven o'clock at night. He was a pretty youth."

In 1689 another change took place in the Bemersyde family, but this time of a pleasant nature, being the marriage of the Laird's eldest and sole surviving daughter Hannah, to a neighbouring Merse laird, James Dickson of Belchester. The marriage contract is dated the 23d August of the above year, and from it we learn that the bride received from her father a dowry of four thousand merks. It is signed by the bride and bridegroom and the bride's father, and witnessed by George Dickson of Bughtrig, advocate; Thomas Haliburton of Newmains; Zerubabel Haig, younger of Bemersyde; John Pringle, uncle to Torsonce; Richard Edgar of Newtoun; William Dickson, younger of Newbigging; Mr David Haliburton, uncle to Thomas Haliburton of Newmains; and Emmanuel and William Haig, brothers of the bride.

In his usual punctilious manner, the bride's father is particular on this occasion in setting down a careful "Memorandum of that I gave to my dochter Hannah," in which he notes how many feather-beds and feather-bolsters, pairs of sheets and of blankets, table-cloths and napkins, were sent along with the bride—the money value of most of them being appended. Nor does he omit other matters of feminine interest. For instance, there is "ane

gown" and "ane wyliecoat" which cost six score of pounds; four ells (yards) of "ane new mixt claith" which cost eight pounds; and "ane ell of English claith, lined with baise," which cost thirty pounds. Then there are trunks and wine-cellars, "cuttie-cups" (liquor-cups) and "bickers," ale-cups and pint-stoups; besides "twa crystal glasses" that cost ten shillings, and "twa great stands, with the covers on them," that cost forty shillings. There are also four pewter plates and "ane ladie;" a pair of tongs; "clips" for lifting cooking pots, and "crooks" for suspending them over the fire; with a "kirm" for making butter, and no fewer than thirty "cans," evidently for use in the dairy. Then we come to the first essential of a thrifty housewife in those days when neither lords nor lairds as yet disdained to wear the cloth of their own wives' and daughters' manufacture—a spinning-wheel ("ane lint-wheel," as Anthony calls it), with its elaborate accompanying apparatus of hecks, rocks, spindles, swingling-stocks, swing-lints, and windles: articles common to every household then, but—such is the change two short centuries have effected on our usages and necessities—which our modern Scottish matrons and maidens do not now know even by name. But this ignorance implies no disparagement, and the change is only to be regretted on account of the fine domestic simplicity of manners which may be said to have departed with it; for it would be as little profitable for a housewife in the nineteenth century to manufacture the clothing of her own household, as it would for the scholar were he, in imitation of the monks of the Middle Ages, to transcribe his own books.

The young bride of Belchester, therefore, and her "plenishing," are only of interest in so far as they afford us glimpses of a past phase of domestic economy which is as dead as Cæsar.<sup>1</sup>

But the Laird's satisfaction in this marriage was somewhat dashed by his eldest son Zerubabel, who about this time was giving him some anxiety; and a curious epistolary correspondence took place between them on the subject, even though both were living together under the same roof-tree. Zerubabel was a young man of excellent parts, which he had improved by two years' travel on the Continent; and he appears to have been specially desirous of following out either the military or the legal profession. He must have been a diligent reader and student of history, as there are in his handwriting many long and well-written synopses of Roman history, as also of the history of England and Scotland, the latter from very early times. He also affected the study of astrology, and among his papers are several horoscopes, and plans for determining nativities in certain concatenations of the planets. His tastes were evidently of a scholarly and intellectual kind, and he had inherited his father's facility of diction; consequently the correspondence that passed between them in 1691 is marked by a considerable degree of literary skill on both sides, that of the son being distinguished by much lofty sentiment, intermingled with many obvious though well-expressed platitudes.

Zerubabel was now a man of twenty-eight years of age, and had become impatient of the idle and

<sup>1</sup> For full list of plenishing, see Appendix No. XIII.

aimless life which, in conformity with his father's somewhat narrow and not altogether unselfish designs, he had been leading. The chief of these designs was that Zerubabel should marry a lady of means, so as to place the family entirely beyond the risk of again experiencing the pecuniary vicissitudes through which they had passed, and of which they were still not altogether free. The Laird's motive was in perfect consistency with the great object of his own life; but his son felt, and with justice, that he was being made the victim of a policy which was as degrading to him as it was unfair on the part of his parent. He was a young gentleman of spirit; but his father's peculiar religious notions closed against him one of the chief avenues to distinction in his station, the army; and the old man was perhaps as little favourable to the law. With a man of Anthony Haig's Quaker notions, even if he tolerated the philosophy of the schools, it was impossible that he should extend such toleration to the use of the sword. Consequently, he had kept his son rusting his life away at Bemersyde; whilst the latter, naturally opposed to the family sinking down into a mere aggregation of square-toes and sober-suits, panted after work more suited to his high spirit and aspirations.<sup>1</sup> About this time,

<sup>1</sup> The Laird of Bemersyde's Quaker co-religionist, John Swinton, had at one time a similar difficulty with his son. As Swinton, says Sir Walter Scott, "was determined that his family should embrace the same faith, his eldest son, when about to rise in the morning, was surprised to see that his laced scarlet coat, his rapier, and other parts of a fashionable young gentleman's dress at the time, were removed, and that a plain suit of grey cloth, with a slouched hat, without loop or button, was laid down by his bedside. He could hardly be prevailed on to assume this simple habit."—*Tales of a Grandfather* (1829), ii. 188.



therefore, he began to press his father strongly on the subject of allowing him scope for his energies, if not at home, then in the great world outside the Merse of Berwickshire; and had even induced Sir William Scott of Harden, Sir Patrick Scott of Ancrum, and William Scott of Raeburn, to approach his father on the subject. But this mediation having proved fruitless, Zerubabel wrote some papers, intended for his father but never delivered, in which he plied him with Scriptural and other arguments in the hope of changing his resolution.

These undelivered papers have been preserved; and in a fragmentary epistle addressed to his father, but without signature or date, and much dilapidated, Zerubabel very fully states his case. "The reason," he says, "why I at this time propose my business, [is that] I find it not convenient to delay; for according to the proverb, all delays are dangerous, and so I have found it verified; for my procrastinating is out of my way a great deal, [as] I might have been settled in a house of my own before this, and the greatest part of the debt taken off." A passage follows which is much mutilated in the manuscript, and does not admit of being pieced together; but the writer is evidently attacking his father's position on very high ground: "since," he says, "there is a natural lay upon all nations of the world, either by the law of God as good Christians, or by the law of nature as rational men, as also by the municipal law of nations, for parents to have a care in the education of their children, according to their station, ability, and condition." He then proceeds to expatiate severally on the teachings of the law of God,

the law of nature, and the law of nations, as to the parental obligation referred to, and concludes by making three distinct alternative propositions. The first is, that his father may be pleased to settle an allowance upon him, according to a promise formerly given, "that I may live as your eldest son come to the years of discretion, and that I may not live as a pupil who is under tutory, or idiot that is not *compos mentis*." The second is, that he may receive money to enable him to go abroad, for he is weary of spending his time at home in idleness and without occupation. His late uncle, William Haig, had written him a letter, inviting him to America, and he regrets he did not then go, as "I have only been misspending my youthful days, and will reap the sad fruits thereof in my old age, which will be miserable poverty, and sad contempt of all my friends and acquaintances who expected other things of me, who am already hearing some things, but at a distance, which does very much grieve me. Therefore I judge it convenient to go abroad." His final proposal is, that "lest I should appear void of that duty to our family which is required of the eldest or representative, I am willing to take the burden upon me (if it be supportable) on condition that you restrict yourself to a liferent which is ordinary in such cases, whereof there is many instances." Those are the three propositions: "choose ye at your pleasure; so, having executed my duty before God and man, I shall have a conscience void of offence."

There is much good sense in all this, but the old Laird was unable to put himself in the young man's place. He himself had had but one great purpose

in life, to which he had subordinated all other desires, and he could not understand why his son should not be equally pliant and submissive. He was partly angry, but chiefly was he sorrowful, over what he deemed his son's untoward ways. The feelings of both seem at length to have become too keen to admit of quiet and amicable personal intercourse on the subject of their differences; accordingly, on the morning after some unpleasant interview between them, the father writes a letter to his son. This letter is perhaps more censorious than the circumstances warranted, yet is dignified by much fine feeling, and softened by no little pathos, as the old man speaks of all he had done and suffered for the standing of the house of Bemersyde.

*For Zerubabel Haig.*

SON,—I am surprised to observe and see so great an adverse spirit within you against me and the house of my fathers. All the earthly honour ye and I can pretend to is, that we are come of the house of Bemersyde, and are the representatives of our noble predecessors. Though it be the ill-hap I have in this world that I cannot clear the encumbrances of the house of my fathers, yet the inclination of my heart and affections is and has been always to restore it to its freedoms and liberties, under which I have wrestled these bygone years and days of my life. It repents me nothing that I have had so noble desires. Many has been the adversaries that has met me in the track of my honest intentions, and many has stood with joy to see the house of my fathers swallowed up; and yet hitherto the Lord has preserved them a memory, although I had none to help and stand by me in the time of my distress, being alone without kin, friend, or ally, a family destitute of all help but the secret love of God. I comforted myself

many a time that when my children were come to years of discretion I would then obtain some help and assistance, and defence to stand by me as well as others in the world, and whose noble inclinations would be their glory to lay themselves out for the preservation of the house of Bemersyde, of whom they were come as well as those that had been before them—expecting the tincture of that nobility to be in those come out of my loins, as well as those that had gone before them.

When I bought the mother-house of our family, ye may remember I sent for you out of Kelso, and laid you in my bosom that night, and gave you all my reasons why I had done it, and my hope of relief in your marriage; and how you served me thereafter you know yourself, and what breach you made in the family, and your own education. And the next step of your misfortune was your taking that money from me which Charles [Ormiston] should have had. Though it was not much, yet it threw me behind, and laid the foundation of greater evils. And when ye came home, I had provided as much as should have cleared him and me, and that ye also dispersed. So, whatever misfortune fall out betwixt Charles and me, ye are the cause.

This I write, not to upbraid you, but to lay it down as a looking-glass, that ye may see where ye are, and if possible to draw from you a more natural affection to your father and your father's house than hitherto I have observed attend you. And yesternight ye did plainly declare it; but I hope ye will take other measures, and apply yourself for the standing of our house. And think not that that's the way—to drive a separate interest from your father's. And think not your happiness consists in your father's misery. What floweth naturally from your father in a fatherly affection, will do you more good than what surreptitiously you can obtain: the one being accompanied with the blessing from on High, and the acclamation of good neighbours; the other having neither the favour of God nor man, but a curse attending it.

Since the other design has not succeeded, my second is to get you in the management of my affairs; that that

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money which I spent in looking after it, ye may spend till you get an opportunity of a match. I wish our counsels and our hearts were united; and if ye still find a cross nature in you, seek the Lord God of Compassion to change and alter it; and let not your birth prove the period of our ancient family. God Almighty humble your heart and direct you! *Vale!*

Be[mersyde], 27 April 1691.

The same day, Zerubabel addresses a reply to his father, of which there are two copies extant, one of these being obviously the original draft. The latter varies considerably from the finished letter; but with its help it has been possible to make out what "time's effacing fingers" had rendered illegible in the other. It is a clever letter; never disrespectful in tone, yet with its arguments vigorously administered; many passages being marked by something like epigrammatic force and terseness.

*Zerubabel Haig to his Father.*

SIR,—I admire<sup>1</sup> that in your letter you demonstrat such a biassed or mistaken sentiment of my lack of affection towards you and your family, and does so strictly interpret my words to you the last night. It seems you have hitherto mistaken my actions, and does mistake the scope and intention of my words the last night, seeing you say in your letter that you are *surprised to see and observe so great ane adverse spirit in me against you and the house of your fathers*, [and that] *all the earthly honour ye and I can pretend to is that we're come of the house of Bemersyde, and are the representatives of our predecessors*. Truly, if I had had any such unnaturality lodged in my breast, I would never debased myself, or had the patience to have waited so long, and misspent my youthful days in waiting for ane

<sup>1</sup> Wonder.

opportunity for the preservation of our house ; seeing I had other occasions when I was abroad to have got me a sufficient livelihood in this evil world. As for the honour of being comed of the family, I acknowledge it ; but if I had not been born of it, perhaps God and nature would have bestowed me upon one as good. If worse, I say still what I did say, that then perhaps I had been as well satisfied and content as I am now ; seeing I perceive that contentment arises not from extract,<sup>1</sup> or having much or little in this world, but in a secret inward contemplation of the mind satisfying itself in itself, by beholding the Author and Fountain of all beings (which the most of this world is ignorant of). And I am content to contribute to the utmost of my power for the restoration of the family to its freedom and liberty by any rational or probable means ; and it is a true maxim, *Ultra posse non datur esse*, which is, none can do more than their ability. And seeing God has preserved a memory of our ancestors in spite of our enemies, I heartily wish and pray it may continue. We shall also, I hope, think it the duty of us your children to assist, uphold, and preserve you, not only with the relief of worldly goods, if it were in our power, but also to defend you from your enemies with the last drop of our blood, and willingly do all that is reasonable for the continuing of the family, if we receive or did see a proportionable encouragement, which is ordinary in such cases ; it not being the name of a thing, or a vain and empty title (as you may suppose and may affect), which will do the turn, they being but shadows without substance, and like smoke which evanishes. For it is not now as it was of old, *What is he*, or *Whom is he comed of ?* but, *What has he ?*

Yea, I also remember with a very grateful heart, when you sent for me, and told me the reason why you bought this house, and the hope of relief you had by my marriage. I never endeavoured to seek relief that way without your consent ; and how I was served, you may remember : although you were pleased to say or think otherways, which is a very great mistake. The vain passion of lustful love

<sup>1</sup> Descent.

I hope shall never sway me so far as to cause me to go over the belly of my reason, and render myself and the family miserable. As for that breach of mine of the family, that you mention, I hope it was not so great as to have stopped my education. I remember how, if any, it was occasioned by my youthful want of experience, which is the cause of great offences, and ought to have been forgotten. For when I was a child, I walked as a child; but now I am become a man, and my actions ought to be manly. As for my education, I know no break which was so great as to impede or stop it; for there has been as great breaches, and never maimed education.<sup>1</sup> Truly, it was upon that account<sup>2</sup> I went abroad. You know I wasted two years idling at home after I came from the Grammar School, Once indeed you took me to Edinburgh, but I might as well stayed at home. At that time I desired to be put to a lettering, and you refused; so I saw no hopes of education suitable to my birth as your son, therefore I went to my travels, for which as yet I never found any remorse. But what did you to them you did put to the college and intended to have bred them? You sent him<sup>3</sup> one year—that was all. Perhaps you may say he did nothing but misspend his time in fighting. He did nothing but what the rest did, and was as great a proficient as any;<sup>4</sup> which was not a means to cause their parents not to continue them in the track of their education.

You reckon it a second misfortune in taking the five pound which I took when I went away, and you yourself confesses that it was not much. I heartily wish I had wanted it. I believe there has not any of the gentlemen

<sup>1</sup> In the draft letter this passage runs: "As for my education, I know no breach it made except the want of a little philosophy which I should have learned at the college, the want whereof does nothing grieve me, it being a seminary or nursery of all debauchery, and all they learn is philosophical dispute, wherein there is nothing but long-winded circumlocutions, rather distracting than coming to any certain conclusion. (I do not disapprove it, providing it was applied to the right use or intention of the thing.)"

<sup>2</sup> That is, for the sake of education.

<sup>3</sup> Emmanuel.

<sup>4</sup> That is, was as great a proficient *in his studies* as any, notwithstanding his "fighting."

of our shire kept their sons two years abroad on twice as much, so that you have no great reason to complain.

You say you *do not write these things to upbraid me, but to lay it down as a looking-glass, that I may see where I am.* I love not such magnifying-glasses, that of a mole's hill makes a mountain, and that a very great one. Ye say the matter was small; then I do not see how it should have accreased to such a height as it is now. A magnifying-glass indeed—that makes one seem a hundred, and a hundred a thousand, if not more! If it was the occasion of your misfortune with Charles, I am sorry for it; but how of such a small sum such a great one should accumulate, I do not understand, in such a short time. And as for my natural affection for you and your house, I am not deficient, as above I have expressed; yet indeed I am not willing to take an insupportable burden, or to throw myself into a labyrinth out of which I shall never be able to extricate myself, and receive no benefit, but disgrace and discredit, and be counted a fool for my pains.

I never resolved *to drive a separate interest from you*, but what is just, reasonable, and allowed both by the law of God and the municipal law of nations. Yea, God forbid my happiness consist in your misery or ruin! Rather than anything which I expect from you come not naturally and willingly, flowing in a right channel, I would rather want it altogether. I have some papers, with a letter, by me, which I resolved to have given you a long time ago; but finding you incline to a settlement of your affairs, I altered my resolution, rather being willing that things should flow in its natural course; which [papers] you may see if you please. I never design to have anything you have with a curse; I would rather be stript naked, and sent to the roving world to seek my fortune. For *the management of your affairs*, I design not to take them upon me but so as I shall be able to go through with them, lest I have a foolish offcome, and receive disgrace, and everlastingly lose my honour and credit. I hope, how far soever (by God's providence) our bodies may be separate, our hearts shall be one, and not dissent in counsel; for that being only true friendship where



the bodies are two and the wills but one. I also hope my birth will not prove a period to the family; and truly no rational man can blame me.

You blame me for talking; alleging I can talk, and not act. I do not deny that according as the nature of parents are diverse, so the inclinations of the children are variable; for as some, following the good inclinations, are good, so others, not resisting the sensualities, are evil. But in this matter, I say it lies much in the father that doth bring them up when as yet they are young, so that the evil which nature gave, by good bringing-up may be restrained; for oftentimes good custom does overcome evil inclinations, and use becomes a second nature. So, if I be deficient in acting—seeing I can talk, it might have been perhaps helped, or at least bettered, by education, by the ordinary means of the kingdom, I not being altogether incapable to understand that, as well as other things as abstruse, if I had been taught, or had the opportunity only to have learned: it being a received maxim, *Qui nihil vidit, nihil discit*, he who sees nothing can learn nothing; and truly experience verifies it to be true.

You accuse me of suppleness, as if I had resiled from my bargain with you anent the Loch. So far as I remember, there was no final conclusion about the matter. Our law allows, that though the bargain be solemnly and clearly ended by verbal transaction, yet there is still place to resile, or *locus penitentiæ*, till the writ be signed. But if my memory fail me not, you said there was no need of any to interest themselves betwixt you and me, for you said you would give me your part of the Loch; upon which head I moved, and none other.

You also say, *if I take not the bargain you offered me* (I mean the estate), *what will I do? I shall not live with you.* This is truly very hard; and I question if the laws of the kingdom will allow it. (But upon that head I hope you and I will never have any ground of discord.) The ground of your jealousy proceedeth, and the cause why I surreptitiously (as you put it) would take from you, is, that I desired Sir William, Sir Patrick, and Raeburn to

signify my intentions of going abroad. I still continue in the same resolution, if I find no more encouragement than I have hitherto met with. Before I misspend my youthful days any more in idleness, I had rather recommend my body to the raging seas, unknown rocks, and furious winds, if I thought to have the least advantage or prospect of a livelihood, that I may not be contemptible and troublesome to others in my old age.


If you ask, what I will do?—[I answer]: The troubles which of necessity needs come, with stout heart ought to be received; as also it is better to die once than always to live in infamy. Yet I had rather be a good Christian than a good Roman: the one observes it as a law to live in peace, the other to die in the wars. I shall always be willing to lead my life at home, where our predecessors has done, if you will give me any encouragement; and spend my days in advancing the preservation of our family.

Your dutiful and loving son,

ZERUBBABEL HAIG.

Bemersyde, April 27, '91.


The old Laird must have seen from the above that it was impossible he should be able longer to keep his son in the condition of an idler and subordinate on the estate; although his natural stubbornness of spirit prevented him from immediately consenting to his son's proposals. Zerubabel again, therefore, appealed to his friends of Ancrum and Raeburn; and the result of their expostulations with the Laird was on this occasion more agreeable than their former efforts at mediation had been; as an instrument exists, in the handwriting of Sir Patrick Scott of Ancrum, in which the old man, "for the love and favour" he bears his son, gives him a tack, or lease, for eleven years, of his half of the Loch of Bemers-



syde. Zerubabel on his part undertakes to drain and enclose the same, and is to have it for the first seven years rent free, and on easy terms for the remaining four years.<sup>1</sup>

With whatever motive Sir Patrick Scott at this time interested himself in the differences betwixt the Laird of Bemersyde and his son, he does not seem thereby to have gained any special favour with Anthony Haig; for shortly afterwards we find them appearing against each other in a long lawsuit as to a question of teinds, which must have cost each of them more money than the whole sum in dispute. The Laird was the chief loser, as the decision went against him. It was most unfortunate that Anthony Haig, who was decidedly litigious, should, after his long and fairly successful struggle

<sup>1</sup> This deed is chiefly interesting for the names appended to it, which, besides the principals, are those of Sir Patrick Scott, the writer thereof, William Scott of Raeburn, and Walter Scott, his brother. The two latter were Walter Scott of Raeburn's sons, whose education twenty-five years before this time the Privy Council had taken in hand (*ante*, p. 283); and good scholars, says their descendant Sir Walter Scott, the Privy Council made of them. Of these two



brothers, the younger, Walter (a facsimile of whose autograph is here given), was the great-grandfather of Sir Walter Scott, and is now well known by his sobriquet of *Beardie*. William, the elder, a man of much learning, died on the 6th August

1699. Between him and Anthony Haig of Bemersyde a very close and dear friendship existed; and we find Obadiah Haig writing to his uncle on the 16th September following, thus alluding to Raeburn's death: "By yours to me, I perceive the great sorrow you are possest with for parting with that worthy, honest gentleman Raeburn, and whose death is indeed an incomparable loss to all his friends and acquaintance. But in this, as well as all the dispensations of Providence, there is lodged a particular blessing, in that, whenever he is brought to your remembrance, your soul is insensibly raised to think of the place he now is in, and those felicities we hope he now enjoys. And thus our hearts are taken off the things of this world, and raised to contemplate on a better."

to retrieve the family fortunes, be continually dissipating it in the law-courts, and frequently about matters of the most trivial kind.

Nor was this the only direction in which the lawyers made inroads upon the Laird's purse. . The sums which from first to last he had expended on bonds, charges, discharges, hornings and poindings, cases of count and reckoning, and suchlike, must have been enormous for a man of his income. The following may be taken as a specimen of the lawyer's bills which he had from time to time to pay—the sums therein charged being Scots money.

*Ane Account what Mr Burnet's Signator<sup>1</sup> cost me, 1687.*

Ane account what the confirmatione of the soum of four thousand merks in favouris of Thomas Burnet [writer, Edinburgh], cost.

<i>Imprimis</i> , The signator cost for composition at the Exchequer, 40 merks .	£26	13	04
Item, To Daick, <sup>2</sup> who is the presenter of the signetor, and to his man, a rex-dollar and halfe a legg, <sup>3</sup> which is . . .	04	06	00
Item, For registrating of the signetor .	02	18	00
Item, For casheiting <sup>4</sup> of the signetor .	00	07	00
Item, When the precept in Latine came to			

<sup>1</sup> *Signator*, or *Signature*, a Scotch law-term denoting a writ having the Royal sign-manual, and presented to the Baron of Exchequer as the warrant for a royal grant to the person in whose name it is presented.

<sup>2</sup> John Veitch, the last Laird of Dawick.—See Dr W. Chambers's *History of Peeblesshire*, p. 417.

<sup>3</sup> A *rix-dollar* was worth £2, 18s. Scots, or 4s. 10d. sterling; a *leg-dollar* £2, 16s., or 4s. 8d. sterling. The latter coin was so called from having on it the impression of a man in armour with one leg, the other being covered by a shield containing a coat of arms.

<sup>4</sup> *Cashciting*, sealing; from Fr. *cachet*, a seal.

the Signet it cost 1 lib. 10 sh. for signing, and 2 rex-dollars for drink-money, is . . . . .	07	06	00
Item, When it came to the Privie Seall Writing office it cost 3 lib. to the principall in the office, and 30 sh. to his depute, and a legg-dollar for parchment and drink-money, which maketh . . . . .	07	06	00
Item, When the precept came to the Privie Seall Sealing office, it cost 4 lib. 10 sh. to the principall in the office, and 30 sh. for wax, and 26 sh. for drink-money, which is . . . . .	07	06	00
Item, when the sealed precept came to the Chancery, it cost 6 lib. to the Director to the Chancery, and 3 rex-dollars to the clerks, and 2 lib. 2 sh. for writing of the chartoure, and for registering of the chartour 2 lib. 3 sh., which maketh . . . . .	18	19	00
Item, When the chartour came to the Great Seall it cost to the Chancellour 12 lib., and to the punshearis 4 lib., and to the keaper of the seall four rex-dollars . . . . .	27	12	00
Item, There was given in with the seasine to the Register a rex-dollar . . . . .	02	18	00
Item, To the usser <sup>1</sup> a rex-dollar, is . . . . .	02	18	00
To his man . . . . .	02	05	00
For taking the seasine out of the Register . . . . .	04	02	04
And for the writer . . . . .	20	00	00
Summa is	<u>£134</u>	<u>16</u>	<u>08</u>

Mr Burnet receaved the above-written account, togither with 2 lib. 12 sh. to give to the writer.

<sup>1</sup> *Usher*, an officer of the Exchequer.

We have already observed that Anthony Haig, in the later part of his career, had departed to a great extent from the peculiar sectarian practices and belief of his earlier manhood; and his son Zerubabel would appear to have occupied a position still further removed from the Quakerism which distinguished the family thirty years before this time. This is shown by the fact that in 1698 the latter married Elizabeth, daughter of Thomas Gordon, Edinburgh, connected with the Gordons of Strathearn, the chief of which name, the first Duke of Gordon, was known as a decided Jacobite and Roman Catholic. Mr Gordon was similarly affected towards the exiled Stuarts. "Honest Tom Gordon, as he was called, was made Clerk of the Court of Justice in November 1682. He was a Writer to the Signet, and seems to have been in the confidence of the Scottish Roman Catholics."<sup>1</sup> This was no doubt the beginning of that Jacobitism in the family of which frequent evidence is found during the next hundred years, and accounts for the pains which old Jacobitish Robert Mylne took to compile the Haig genealogy—a favour which he would certainly not have extended to a house that professed the opinions held by Anthony Haig in the sectarian period of his life. Whether, in respect of worldly goods and gear, this marriage

<sup>1</sup> Note by editor of *Diary of Patrick Gordon*, p. 140. Occasional mention is made by this military diarist of Mr Thomas Gordon as his cousin. For instance, under May 29th 1686, Edinburgh, he writes: "I went in the morning and paid my respects to his Grace the Duke of Gordon, who was exceeding kind. . . . After some stay wee went to the Lord Chancellor [Earl of Perth], who was yet a-bed. Afterwards I went and gave a visitt to the Earle of Aberdeen, and dynded with my cousin, Mr Thomas Gordon, Clerk to the Justice Court."

of Zerubabel's was the kind of "match" which his father had been desirous he should make, is not definitely stated; but if the old man's reference to it indicates anything, it can scarcely be approval, for while he enters the marriage in his Memorandum Book, and as usual "blesses them both," he does not set down the name of the bride, or make the slightest allusion to her connections.

Zerubabel Haig, after his marriage, took up his residence at the Thrid; and in the following year a new arrangement was entered into between him and his father. In 1699 Anthony Haig made a disposition of his whole estate, both heritable and moveable, to Zerubabel, transferring to him the entire management of the same, the father retaining only a life-interest therein. Zerubabel at the same time assumed the responsibility of the entire debts resting upon the estate, and from a list of these we find that the sum due by the Laird of Bemersyde in that year upon various bonds amounted to £24,265 Scots—a sum equal to about eight years' gross rental of the estate at that time.

From a list of the rents and holdings of Bemersyde, made up in this connection, it appears that there were then thirty-eight separate holdings on the estate, the rents of most of which were paid in kind—in wheat, oats, barley, and pease, in *kain*<sup>1</sup> hens and capons, in carriages of coal and carriages of peats, etc., the money value of the whole being set down as £3139 Scots. The greater proportion of the lands seem indeed to have been held on the most trifling considerations—a proof of the low state

<sup>1</sup> *Kain*, "a duty paid by a tenant to his landlord in kind."—*Jamieson*.

of agriculture in the Borders at the time. Even among the lairds, not to speak of the tenantry, while food of all kinds was in fair abundance, money must have been a scarce commodity, coin being only a secondary medium of exchange in rural districts.

A note written about this time by Zerubabel to his father regarding some premeditated law-plea or other, offers a curious instance of this.

*To the Laird of Bemersyde.*

SIR,—I have been with Coldenknowes, and I find that he can determine nothing unles he saw all papers that can be produssed for instructions, without q<sup>h</sup> he can nor no man know q<sup>t</sup> the quota<sup>s</sup>;<sup>1</sup> but he advised me in general to quit two or three thousand merks rather then plea.

Sir, I am disapoynted of some money that I expected, so be pleased to send me that guinea q<sup>h</sup> yea told me yea had, and plase it to my accompt. Robine being seek,<sup>2</sup> and the garner being so bige a fellow, I am affrayed my horse carry him not in;<sup>3</sup> and if yea could spare litle Bettie to goe in with me, yea will singularly oblidge,

*Your loving son  
Zerubabel Hay*

*This Apr 30 1700*

“The guinea” of which Zerubabel had thus ascertained the existence was duly sent him by his father, who, at the same time, takes care to note the fact in his Book, along with the increased value of

<sup>1</sup> *Quota*, the part or share to be assigned to each party in the transaction.

<sup>2</sup> Sick.

<sup>3</sup> Probably to Edinburgh.



the coin : " 30 Aprill, 1700. Zerubabell got from me by the hands of his garner a guinie, which is to be at 23 shilling starling and 6 penies." <sup>1</sup>

In these years, the burdens on the estate had been somewhat increased by the necessity placed upon the old Laird of providing portions for the younger members of his family. To his daughter Hannah, on the occasion of her marriage to the Laird of Belchester, he had given a dowry of four thousand merks; his son Emmanuel came of age in 1687, and his youngest son William in 1691, and four thousand merks was the portion he allowed to each of them likewise. Emmanuel seems to have given his father but little comfort. From the reference to him in his brother's letter, as having been more noted at college for fighting than for proficiency in his studies, it may be inferred that Emmanuel had inherited a very potent strain of the old Border blood. But he was foolish otherwise; and all that is noted of him in his cousin Obadiah Haig's Genealogy is, that he "married ill," and died in 1699, leaving a son called Isaac, of whom we shall again hear. William, the youngest son, like the uncle whose name he bore, had wisely taken to trade, and was at this time settled in Antigua in the West Indies. The religious fervour of his father had descended to him, and apparently in an exaggerated degree, but without the old man's power of literary expression; as a long letter of his—the only one that has

<sup>1</sup> In 1695, the Scotch Privy Council proclaimed a general rise of 10 per cent in the coinage, owing to "the heavie prejudice of English clip't moneys, and the certaine loss and dammage arriseing thereby."—*Records of the Coinage of Scotland*, by R. W. Cochran-Patrick, ii. 246-8.

been preserved—addressed to his father from Antigua in 1701, is a singular specimen of sincere yet incoherent piety.

In the end of 1698, or beginning of 1699, the old Laird had a visitor at Bemersyde, from whose society he derived much pleasure. This was his brother William's eldest son, Obadiah Haig, whom we last heard of so far back as 1678, when he was then four years old, but in his father's eyes "growing to be a man." He was now twenty-five years of age, and had come to London, accompanied by his mother and sister Rebekah, with the double object of winding up his father's affairs there, and of settling down in the old country if a favourable opportunity offered. He had considerable sums of money with him, for which he soon found borrowers among the ever-needy Border lairds; Sir John Swinton of Swinton, for one, giving him a bond for the sum of £4440 Scots. Like his father, Obadiah was of the Quaker persuasion, and spent some time at Aberdeen among the numerous families of that connection there, especially the Barclays of Urie, and the Skenes of Aberdeen. In 1701 he married a daughter of John Skene, son of Bailie Skene, Laird of Newtyle.

He was a young man of good parts, improved and developed by an excellent education, and his letters and other writings, with the exception of here and there an archaism of the period, look more like the productions of an educated man of the nineteenth than the seventeenth century. There was one strong bond of union between Obadiah and his uncle the Laird, and that was the intense love which both of them possessed for their name

and family. We can imagine them sitting together many a long evening of that winter, over the log-fire in the old hall, discussing the history and traditions of their house, and computing between them the unknowable period during which the Haigs had occupied Bemersyde.<sup>1</sup> The result of this was, that Obadiah set himself to draw up the family-tree which has been already described,<sup>2</sup> in order that the records of the family might appear in consecutive arrangement from the earliest to the later generations. These records, as set down by Obadiah, are extremely inaccurate, even as regards the period immediately preceding his own. But his limited residence in Scotland did not admit of his investigating the subject with accuracy and precision, and he was doubtless inclined to give the old man's rambling reminiscences a higher place as historical evidence than they really had claim to. Besides, the manuscript was written in London, which may account for some of his errors as to names and the like. Nevertheless, it was a labour of love on the part of this transatlantic scion of the old house, and he worked thereon with a degree of zeal for the family name which it is very pleasing to witness.

In his Genealogy, Obadiah speaks of himself as the "eldest son of William Haig, and the collector, composer, and writer of this. Born in London, September 1, 1674. Went to America; from thence returned to Bemersyde, where he collected a copy of this, the 17th of April 1699, and from that drew this in London, which he sends to Bemersyde, and dedicates to all the posterity of the family to come,

<sup>1</sup> See *ante*, pp. 21, 22.

<sup>2</sup> *Ante*, pp. 11, 12.

as a foundation laid for them to continue a building on, which God grant till time shall be no more." And he concludes his record with the following invocation, which might have come from the lips of Anthony himself :

May us and all our posterity be thankful to Heaven for our continuance till now, and may it be our perpetual prayers that the Almighty would of His infinite mercy remove the malignity of all such sins as may provoke our extinction, that there may always be found a man living of the family endowed with virtue and honour, to give thanks to God and service to his country ; and may our posterity always remember that excellent motto of our family, *Sola Virtus Invicta*, is the earnest prayer of their consanguinal kinsman and sincere well-wisher,

OBADIAH HAIG.

There is something exceedingly touching in the remaining history of Obadiah. Notwithstanding his ardent desire that the family should continue their records on the foundation which he had laid for them to build on, the very first, and now irreparable omission, is the name of his own young bride. With her, and his mother and sister, he sailed again for their home in West Jersey in the spring of the year 1701 ; but he was destined never to arrive there. He caught the distemper at the Barbadoes, and after four days' illness died. His cousin, William Haig, makes brief reference to his death in a postscript to the letter from Antigua before mentioned. "Cousin Obadiah," he says, "died in Barbadoes last of the 4th month, in a sweet frame."<sup>1</sup>

<sup>1</sup> Obadiah Haig had a brother named Lawrie, and a sister named Rebekah, but both must have died without leaving issue ; for in 1742 we find James

This must have been a heavy stroke to his old uncle at Bemersyde, who was doubtless proud of the young man who was so proud of his family. The old man had a further grief to sustain that year in the death of his only sister, Elizabeth Haig, which took place at Kelso on the 20th of March 1701. She was doubtless a "kind auntie" to his children when they were at school there; and at her death all her money and effects were bequeathed to her nephew Zerubabel, with the exception of 2000 merks which she assigned as a legacy to Isaac, son of her deceased nephew, Emmanuel Haig.

In other respects things went on with the old Laird much as hitherto: extensive use being still made of the law—pursuing and being pursued. In 1703, Zerubabel and he resolved to build a mill on their own estate—the Bemersyde crops having been thirled to Dryburgh Mill from the time of that old marriage contract of 1592. The site where the mill at Halydean still stands was fixed upon; but when the material for the erection had been laid down, and the building partly raised, it was stopped by an interdict on the part of the Haliburtons of Dryburgh, who were averse to quietly yielding up their accustomed monopoly. This led to a keen and expensive law-plea, which was not settled till three years afterwards, when the Court declared against the Haliburtons; whereupon the Haigs completed the erection of Halydean Mill.

The last letter we have from the pen of Anthony Haig, the son of Zerubabel Haig, petitioning the Lords of Session for the gift of Obadiah's estate as *ultimus hæres*. The prayer of the petition was granted, when the Swinton family paid over to James Haig the amount of the debt still resting on the original bond between Sir John Swinton and Obadiah Haig.

Haig is in connection with this law-plea. It was written to his son in 1704, whilst sending to him at Edinburgh certain papers required in the case, and he expresses his wonder that Zerubabel and the lawyer should "proceed so precipitately till they had time to get in the necessary papers."

Age seems, indeed, to have in no way impaired the old man's keenness of vision in all that was likely to benefit his house and name. Nor was his attention to trifles less lively than before, especially if these had to do with the permanent bulk of his "goods and gear," his "inside and outside plenishing." Here is one of his significant entries :

14 March 1700. To remember ther is yet to the forr 3 holland sheets, 2 of which is lacted<sup>1</sup> about, and the other throught<sup>2</sup> the midle.

8 Aparill 1700. I toke east and gave my doughter Belchester a pare of the abovesaid sheets.

So careful, as aforetime, was the old man economical. His latest entry in the Memorandum Book from which we have so frequently quoted, was made in the summer before his death. It is in succession to a series of similar entries as to the yearly rent of his salmon-fishings—which rent was then £24 Scots, or about a fiftieth part of their value now. In this final entry the old man, contrary to his invariable custom, has omitted to set down the date when

<sup>1</sup> Sc. *laik* or *lak* was a kind of fine linen cloth ; hence "lacted about" may mean that two of the sheets were bound round the edges with *lak* ; the third being similarly strengthened along the "middle" or folding part of the double sheet.—See *infra*, p. 417.

<sup>2</sup> In the Scotch of this period it was common to add a silent *t* to such words as *witht*, *moutht*, *throught*, etc.—See Dr Murray's *Dialect of the Southern Counties of Scotland*, p. 53.

the money was paid—a symptom perhaps of failing energies; though he does not forget to note the fact that part of the rent was still outstanding.

Thomas Lockie has payed his water-rent from Whitson-day 1710 to Whitsonday 1711, *except the kane salmond, which is still due.*

Brave old Anthony! His time of departure was already drawing near, when the long struggle of his life—his contendings, and economisings, and “improvement of moneys”—should no more vex his spirit or disturb his rest. In the following year he passed away, at the age of seventy-three, and was laid to sleep in the beautiful Abbey of Dryburgh, amidst the dust of the dead generations of that house which he had loved so well.



ANTHONY HAIG'S SUN-DIAL.

## CHAPTER XII.

1712-90.

XXII. ZERUBABEL HAIG, 1712-32: his large family of daughters—The Rhymer's prophecy imperilled—The Jacobite Rising of 1715—Haig's connection therewith—His death—Funeral expenses—Succeeded by his son—XXIII. JAMES ANTHONY HAIG, 1732-90: his education and character—A Parliamentary election in 1741—Haig's Jacobite principles—The '45 Rebellion—Incidents relating thereto—His business connections with Sir Walter Scott's father—The Ladies Cairncross of Hillslap—Their will reduced—Letter from Mr Walter Scott thereanent—Laird of Bemersyde's litigation with the Haliburtons of Newmains—Family incidents—His aversion to the Hanoverian dynasty—Opposes his son joining the Volunteer Yeomanry—Consequent proceedings—His death.

THE period of Zerubabel Haig's life following upon his succession to the estates, is almost a complete blank. Nearly all the correspondence belonging to these years has been destroyed, in all probability because of the Laird's connection with the Jacobite party in Scotland at that time. We have already seen that he married into a family notorious for its Jacobite tendencies; and although his name has not been found among those who were active participators in the Rebellion of 1715, the traditions of the family point to such an engagement on his part. He was possessor of a miniature portrait of the Pretender, still preserved;

XXII. ZERU-  
BABEL HAIG,  
1712-32.



as also one of those medals which were distributed among Jacobite families in testimony of their loyalty to the exiled Stuarts—the medal in question being that of which a copy was presented by the Duchess of Gordon in 1712 to the Edinburgh Faculty of Advocates, and caused much fluttering in the Hanoverian dovecots of the time.<sup>1</sup> Zerubabel's sword is also preserved. It bears on one side of the blade the words: "GOD BLESS KING JAMES THE 8;" and on the other: "PROSPERITY TO SCOTLAND, AND NO UNION!"—indicating a follower of the high Tory and patriotic party of the period, who resisted all attempts to obliterate, as they deemed it, the nationality of Scotland, as keenly as they resented the possession of the throne by an alien race.

The connections of the family were indeed at this time almost wholly Jacobite. Zerubabel's eldest daughter was married to James Home of Aytonhall, second son of the Earl of Home; which James was in 1716 attainted for his share in the rising of the previous year. The Laird's brother-in-law—James Dickson of Belchester—appears likewise to have been engaged in the same insurrection, as we find that in 1716 he has fled to America. From his place of exile on the banks of the Potomac, he, on 13th May 1717, writes a letter to the Laird of Bemersyde, in which he thanks him and his lady very warmly for their kindness to him while he

<sup>1</sup> The medal is of silver. On one side is a map of Great Britain and Ireland, with the word REDDITE; and on the other a portrait of the Pretender, with the words, CUJUS EST. It may be read: "Restore [this kingdom to James VIII.], whose it is." The medal is figured in Boyer's *History of the Reign of Queen Anne*, p. 511. For a full account of the agitation caused by the presentation of the medal to the Faculty, see Boyer's work; as also Tindal's Continuation of Rapin's *History of England*, vol. xvii. pp. 394-97.

was in prison, and informs them that he arrived in Maryland on the 21st October 1716, and had "kept his health at sea, and since by land, very well." Before leaving, he had recommended his children to the care of Zerubabel Haig, who he hopes "will not see them maltreated." "I have got no account," he says, "of your brother Will yet, nor can I get notice where he is. They persuade me that he is gone out of Antigua : but whether it be so or no, I know not.<sup>1</sup> Tobacco is very dear here ; but I suppose you will not care, for anything you make use of. . . . I have no more to write at present, but from my heart and soul wishes that God may bless you, your lady, and all the children, and heartily prays that God may give you satisfaction and pleasure of them in your old age. God knows if ever I shall see you again ; but whether or not, I recommend you all to the protection of God." He did, however, live to return to Belchester.

At the time of Zerubabel's succession to the estates in 1712, he was nearly fifty years of age, and though he had eight children born to him by his marriage, he had as yet no male heir to the property, all these eight children being daughters. Till the death of his father he had lived at the Thrid ;<sup>2</sup> but upon this event he let the house and farm there, and took up his residence in Bemersyde House. Here other four daughters were born, making twelve in all, without any son to grace the

<sup>1</sup> *Ante*, p. 336.

<sup>2</sup> A cottage which stands on the site pointed out as that of the old Tower of the Thrid, is still known as "Bemersyde Stud," this being the name the place was known by among the country people while Zerubabel lived there with his large family of eight daughters.

family circle. This was a matter of much concern, not only to himself, but to the whole district, as the prophecy of the Rhymer seemed about to be falsified in a peculiarly disappointing manner. "The common people," says Sir Walter Scott in referring to the incident, "trembled for the credit of their favourite soothsayer."<sup>1</sup> Another writer says that so anxious did the Laird latterly become, that he made the absence of a son in his family the subject of daily private prayer.<sup>2</sup> This, however, was more likely to have been true of old Anthony while he lived, than of Zerubabel, who never seems to have exhibited any special devotional tendencies. Still, so seriously did the father view the situation as regards the succession of the estates and the preservation of the family name, that after the birth of the eleventh daughter he went north to Clackmannanshire, to the branch of his house there, and offered to sell the Bemersyde estates to Haig of Newbigging; but the latter was either afraid or unable to venture upon such a purchase, and nothing came of it. Happily, however, in 1718, a son was born to the Laird, not only to the joy of the family, but to the delight of the rustic devotees of True Thomas, their belief in whose prophecy, says Scott, was thus "confirmed beyond a shadow of doubt."

Notwithstanding the intellectual promise of the letters addressed by Zerubabel Haig to his father in 1691, he never took any conspicuous part in the public movements of his time. The unwise and somewhat selfish restraint which his father put upon

<sup>1</sup> *Minstrelsy of the Scottish Border*, ii. 275.

<sup>2</sup> Robert Chambers, *Picture of Scotland*, i. 68.

him in his younger years, seems to have cramped and deadened his energies, and the latter years of his life were spent at Bemersyde in comparative quiet and privacy. He was, however, quite as solicitous as his father had been for the improvement and disburdening of the estates; and he was successful in avoiding those expensive and useless litigations in which Anthony had ever and again become entangled. Yet in 1729 there was still a considerable debt upon the estate; a sum of £16,000 Scots being due to the son and successor of Charles Ormiston, Kelso; and in order to sweep this off, the Laird proposed to sell the Thrid. It was accordingly advertised for this purpose.; but as land was then at a discount in the market, no suitable offers were forthcoming, and an arrangement was thereupon made with the creditor otherwise. Zerubabel did not long survive this transaction, he having died in January 1632, at the age of sixty-nine, leaving behind him a widow and thirteen children, of whom his son and successor, James Anthony Haig, the youngest of the family, was in his fourteenth year. The boy was placed under executors, these being Mr Thomas Gordon, Edinburgh, and Mr Thomas Potts, sheriff-clerk of Roxburghshire, the latter of whom was married to Mary, Zerubabel's second daughter. His widow was assigned a jointure of 1300 merks, or about £866 Scots per annum.

The funeral of the deceased Laird was carried out with the accustomed extravagance of such solemnities in those times, the expenses, as made up by his widow for the executors, amounting to £102, 13s. 1¾d. sterling,—passing from the sum of

£62, 13s. 4¾d. "paid to my daughters" for articles bought at Kelso, down to 2s. for "ringing the bell," the large total including the small payment of 16s. 8d. as the "value of a boll of meal to the poor." On the 9th of March in the following year, a Crown precept was issued at Edinburgh "for infesting James Haig, as nearest lawful heir to Zerubabel his father, in the lands of the barony of Bemersyde, united and erected by charter granted by the late King Charles the Second to Anthony Haig of Bemersyde, of date 3d January 1673."

During Zerubabel Haig's tenure of the estate, he had continued to farm a portion of the lands himself; but at his death, his son's executors thought it expedient to sell off the whole stock of horses, cattle, and sheep thus maintained, the proceeds of the sale amounting to £1067, 8s. Scots.<sup>1</sup>

In the meantime, James Haig continued to receive his education, as formerly, at the Grammar School of Jedburgh, where, on the 24th of August 1732, as the little parchment ticket still shows, he was admitted a free burgess of that burgh. He came of

age in 1739, and in the same year was entered apprentice to John Hay, Writer to the Signet, Edinburgh, the indenture being for a period of three years. He duly implemented

XXIII. JAS.  
A. HAIG,  
1732-90.

<sup>1</sup> Robert Scott of Sandyknowe, Sir Walter Scott's grandfather, was one of the most spirited purchasers at the sale. In the record of the auction, for instance, are such entries as these: "David Broun of Park offerrs 3 lb. 16 sh. Scotts for the piece of 20 cws; Robert Scott in Sandieknow offerrs 3 lb. 19 sh.; James Haig [tenant] in Bymmersyde offerrs 4 lb. p. piece. To the said Robert Scott the s<sup>d</sup> twentie ewes and lambs, for £85:00:00." That is, Sandyknowe had run the price of the ewes up to £4, 5s. each. He also bought a "stirk"—i.e., a young bullock or heifer—at £12, 12s. Scots; and "ane gray mare" at £60 Scots.

this contract ; but did not otherwise pursue the profession of the law, except in so far as we shall find him kindly assisting his poorer neighbours in after years with such legal knowledge as he possessed. His mother also went to reside in Edinburgh in 1739, leasing a house in the then aristocratic suburb of Potterrow, where she died five years afterwards.<sup>1</sup>

In many respects James Haig was an exact reproduction of his grandfather Anthony, all his proceedings being marked by the same carefulness in money matters, and an equal punctiliousness in the entering of all his transactions in his note-books. With the exception of one year (1745), a full statement could be made up of James Haig's income and expenditure from the death of his father in 1732 to 1787. Everything is noted down : his regular contribution of 6d. to the Episcopal "meeting-house" on Sundays in Edinburgh ; how much he spent on hires between Edinburgh and Bemersyde, and the amount his refreshments cost him by the way ; what he gave to the servants when visiting the Earl of Home or other of his friends in the south ; how often he hired a chair in town, and what he paid for it ; these details being regularly broken into sections by the repeated entry of so much spent on " Rapee and charity," sometimes varied into " Rapee and beggars," 1s. or 1s. 6d.—two sources of expenditure which he invariably links together, leaving it to the goodwill of readers to form their own conceptions as to whether his snuff or his benevolence taxed his purse most heavily. Curious

<sup>1</sup> Towards the end of the century, the town-house of the Haigs was in Brown Square.

recipes, maxims, and other odds and ends, such as he thought worth preserving, are also entered among these accounts.<sup>1</sup> As a specimen of the man in his more serious moods, the following entry is of interest:

Some rules for my own use, founded on the strictest observations I could make from the manners of the present age.

Never to contract an intimacy with men who have not religious principles; because they will infallibly desert their friends in distress, and often deceive them when their own interests or pleasures prompt them. Such men having no restraint but the law of their country and their outward character,—if ways can be fallen on to evade the first and preserve the second, they will undoubtedly fulfil their darling passions.

The most criminal of all men I take to be those who put on an outward form of religion, and to a few of their confidants ridicule all religion, alleging an outward show is necessary for the good of society. That is expressly denying the existence of the First Original Cause of all things, and therefore must be undoubtedly punished by the Almighty Governor of the universe, according to the degree of the crime. They say one man being a fool, and another wise, is not agreeable to the rules of impartial government; or why, say they, is one man tormented with diseases, while another enjoys health? When a man thus described is detected, all men will despise him: the religious, because he is an enemy to their Lord; the lukewarm and indifferent, because by his hypocrisy he treated them as fools, his intent being they should believe and do what he was convinced had no existence nor reward. But this deep hypocrisy is so dastardly and mean a vice, besides requiring more pains and trouble than a good man will find in practising virtue, that I am persuaded not very many will be ruined by so abominable a system of impiety.

My opinion agrees with them who make the unequal distribution of things in this life a strong argument for a

<sup>1</sup> See Appendix No. XIV.

future judgment. Besides, the ways of God are most certainly above the reach of His creatures ; because it's morally impossible that a finite can comprehend an infinite. For was man to comprehend God and all His œconomy, He could not be infinite.

Never to confide in a man who has been deeply engaged in politicks, because such a man has prostituted his honour and conscience to support his party, and will infallibly sacrifice his best friend to that party and his interests.

From the small knowledge I have acquired of mankind, I never found a man, who was not truly religious, who did not practise some vice or other forbid by the all-wise Governor of the Universe. It seems absolutely necessary that such men should form a system of belief for themselves, that they may not be troubled with an alarmed conscience.

Those who talk profanely are carefully to be avoided by youth ; the passions being easily inflamed, and their reason blinded.

When a man finds it convenient to marry, the first thing he should be certain of is the religious principles of the woman he intends for his partner. This will be difficult, as great dissimulation is often to be found in the fair sex ; but he may by attention find out her temper. If that be good, and he has sense, time may bring her to think as every rational creature should ; if her temper is fickle, or she keeps her passion for a day or two, such a woman will never make a man happy. If a woman falls in love with a man she has small acquaintance of, and less intimacy, this bespeaks a levity ; and it's almost certain she will prove inconstant. I have known two remarkable instances of this. . . . Since the 1745 that the ladies in Scotland have made the officers in the army their most intimate companions, and went to private balls in public-houses, I have observed in general their morals quite debauched, and am certain their manners also. . . . As this new-imported doctrine bids defiance to the laws of God and man, is destructive to the good of families, and a great injury to society, it is much to be wished some severe punishment were inflicted on those found guilty.



A mutual confidence is the strongest tie of friendship. Reserve is always attended with ill consequences; it leaves room for doubts and anxiety, and often occasions fatal mistakes. Those who are hearty and steady in their attachments can no more endure an appearance of indifference in a friend than in a lover.

The first public business in which we find the young Laird engaged after he had attained his majority, was the election of a member of Parliament for the county of Berwick; and two letters are preserved in which Mr A. Hume Campbell, brother of Lord Marchmont, dating from Redbraes 1740, expresses his regret at not having found Bemersyde at home when he had called to solicit his vote. Following upon this in 1741, is a letter from the Earl of Home, announcing his surprise at a rumour which he had heard to the effect that Mr Haig had promised to give his vote and interest to Mr Hume Campbell. The latter was at this time elected; but which of these powerful Merse families secured the virgin vote of the young Laird is not mentioned. In all probability it was given to the nominee of the Earl of Home, with whose family that of Bemersyde was long on terms of intimacy and relationship; more especially as there still hung round the name of the first Earl of Marchmont a suspicion of venality in the matter of the Union negotiations, which one of James Haig's political education and tendencies could hardly be supposed to appreciate.<sup>1</sup>

<sup>1</sup> Here is an entry from one of the Laird's note-books of a Parliamentary election in Berwickshire thirty-nine years afterwards:

"1780, Sept. 21st. Hugh Scott, younger of Harden, was chosen Representative for the County of Berwick, in opposition to Sir John Paterson, supported

Shortly after this time the Laird of Bemersyde turned his thoughts in the direction of a much more serious matter than the election of a county member. This was the Jacobite Rising of 1745. James Haig, in common with his brother-in-law, Home of Ayton, William Robertson of Ladykirk (whose daughter he afterwards married), and many others of the Lowland gentry, was an ardent Jacobite. But, like his father in 1715, he was afterwards careful to obliterate almost all documentary evidence of the fact; so much so, that he had even destroyed his book of income and expenditure for the year 1745, a few solitary documents being all that remain referring to his Jacobite proclivities.

It was a somewhat singular circumstance in connection with the Rebellion of 1745, that Charles Edward obtained scarcely any active support from those in the Borders of Scotland who were favourable to his cause; possibly from jealousy of his first landing in the Highlands, whereby the northern septs might be supposed to have acquired an influence with the Prince which the Lowland gentry did not relish. On the other hand, the Government were no better supported by the loyal among the Border families; for when the Earl of Home rode to Dunbar to join Sir John Cope, instead of having, as might have been the case in a cause for which his clan were hearty, four or five hundred horse and

by Lord Marchmont, the preses and clerk. 42 for Mr Scott, 26 for Sir John. Mr Brown of Elliston did not come till after the votes.

*Note.*—He would not vote as he had his qualification from Marchmont."

From this we learn that in 1780 the voters of the shire of Berwick taking part in the election of a member numbered 68, whereas—so great have been the political changes during the subsequent hundred years—in 1880 the number of voters who took part in the election for the same county amounted to 1610.

foot at his back, he had only his two body-servants. Moreover, before the battle of Prestonpans, the Pretender was proclaimed at Dunse; but so inert or half-hearted were the authorities, that the acting justices refused to assist in apprehending the offenders.<sup>1</sup>

The Laird of Bemersyde, like the rest of his Jacobite neighbours, remained quiescent at the first outbreak of the Rebellion; and it was not till after the Highland victory at Prestonpans that he took steps to throw in his lot with the young Prince. For this purpose he made a journey towards the end of October to Clackmannanshire, in the hope of raising the branch of his name there, which had now become a numerous and prosperous sept, and to persuade them to join with him in the apparently promising effort of the Stuarts to regain their ancient throne. But the Haigs, like the generality of the people in that district, were averse to any such mad attempt, and would not be moved. Besides, they did not even receive their chief very courteously on this errand, and gave him such an answer as sent him back not a little angry. When he was about to return, a severe storm set in, and continued some days, so that he could not cross the Forth; and by the time he got back to Bemersyde, the report of the Prince's retreat from Derby had reached the Borders, and effectually put an end to all hope of a rising in that quarter. By this accident, therefore, the young Laird was rescued from making an open declaration of his intentions, and thus fortunately saved both his person and his estates.

<sup>1</sup> *Marchmont Papers*, i. 100.

Curiously enough, while almost all his own papers belonging to this period have been destroyed, the Laird had got into his possession, and preserved, the following "Protection" granted to his father-in-law, Robertson of Ladykirk, by Prince Charles Edward, seven days after the battle of Prestonpans. It is a printed form, with blanks for inserting the names and dates.

CHARLES Prince of *Wales*, etc., Regent of *Scotland*, *England*, *France*, and *Ireland*, and the Dominions thereto belonging: To all His Majesty's Officers Civil or Military.

THESE are requiring you to protect and defend the Estate, House, and Effects of Mr Wm. Robertson of Ladykirk, from all Violence or Insult whatsoever, from any Person or Persons. Given at Holy-rodd-house, the twenty-eight Day of September, 1745.

By His Highness's command.

J<sup>o</sup>. MURRAY.

This "Protection," which is much frayed and soiled, as if it had been carried in the pocket a long while, was found enclosed in the following letter:

*To Donald Robertson of Woodsheal, Esqr., in the  
Laird of Keppoch's Regiment.*

Holy-rood-house, 22d October 1745.

SIR,—I am informed that last night you entered the house of Mr Wm. Robertson in the Old Assembly Close in Edinburgh,<sup>1</sup> with several arm'd men, and said you had an

<sup>1</sup> This was the house of William Robertson of Ladykirk. He continued to reside in the Old Assembly Close up till near the time of his death in 1783. Various entries in the papers show that the rent of his house in the Old Assembly Close was £30 per annum. He had also a residence about ten miles to the west of Edinburgh called Hillhousefield.

order to take by force out of that house a Picture of the Laird of Strowan, which Mr Robertson had got twenty years ago from Mrs Margaret Robertson, the Laird's sister.

Such violent proceedings being expressly contrary to Law and the Prince's private Sentiments, as well as his repeated Proclamations, I must acquaint you that nothing is more disobliging to his Royal Highness than such outrages, which bring upon his Army the haetr'd of the Country, and a dishonour upon all concerned, which cannot miss to be of fatal consequences.

So soon as Mr Robertson pleases to insist in a formal complaint, you must answer upon your peril, and undergo the tryal of a Court Martial.—I am, Sir, your humble servant,

J<sup>O</sup>. MURRAY.

It does not appear that James Haig was ever seriously troubled for the passive support he gave to the Jacobites of 1745, although he had considered it prudent during a portion of the following year to retire to Bristol, where his cousin Isaac Haig, the son of Emmanuel Haig, resided—a well-to-do man, of a jovial, sailor-like temperament, and captain of the vessel *Duke of Queensferry*, of which he was also part owner. He some years afterwards sold his share in the said vessel, and bought the Thrid from his cousin James Haig. But Isaac, though married, had no children; hence at his death, in 1773, the Thrid reverted to Bemersyde.<sup>1</sup>

<sup>1</sup> There is a long correspondence preserved between James Haig and Isaac, which, however, is not of sufficient interest to call for lengthened quotation. The following account of a curious custom at auctions in Bristol, as given by Isaac in one of his letters in 1766, may be worth reproducing. The subject of his letter was a proposal that the Laird of Bemersyde should purchase certain properties for him in the Borders. "I do not," he says, "understand the nature of your roups [*i.e.*, auctions]. . . . If your roups be like those in Bristol, you

Again, in 1750-51, James Haig saw cause to retire for a time to England. It was one of the disgraceful features in the policy of the victorious party in 1745, that they carried their prosecution of the Jacobites so far as to give it the appearance more of personal animosity than public justice; and Haig may at this time have feared some investigation either into his own conduct or that of his friends. On this occasion he went to Heath, near Oxford, and remained there, evidently under an assumed name; as his brother-in-law, Mr Potts of Jedburgh, generally sends letters to him, and receives them in return, through the medium of a private servant. With this, all trace of his connection with the Jacobites ends; though we shall find that, more than thirty years afterwards, he had not yet become quite reconciled to the new dynasty.

Before passing from this subject, however, we must mention a tradition that has been preserved of this period. A few nights after the battle of Culloden, the family at Bemersyde were seated at their evening meal, when a horseman rode up hastily to the door, and a message was brought to the Laird that a gentleman wished to see him on urgent business. He went to the door, and a few words' conversation disclosed the nature of the case. It was a French officer of high rank in the Prince's service who had effected his escape from the battlefield, and made his way thus far south in disguise;

have as good a chance as Harden or anybody. They set up a long candle on a sharp point; whenever the wick falls, the last bidder has the bargain." On the occasion of his death, James Haig makes the following entry in his diary: "1773, *April*. My dear friend Capt. Haig died at 8 morning on the 10th, and was buried at 3 evening on the 13th."

and knowing that Bemersyde was favourable to the cause, had come to claim temporary shelter and protection. He was ushered in with great deference, but declined to sit down with the family, preferring a less accessible place of hiding. It was long remembered at Bemersyde with what ostentatious courtesy this martyr to the Grand Cause was received—how the Laird himself conducted him up the narrow stair of the tower to a turret-room above, one servant preceding, and another following them, with lighted candles. After refreshments had been served to the stranger, of the reason of whose presence the servants were kept in mysterious ignorance, he sent for the Laird to speak with him privately. When Bemersyde entered the room, the gentleman locked the door, and laying a pistol on the table, demanded that Haig should give him one hundred pounds to enable him to find his way out of the country. The Laird told him to take up the pistol, as such coercion was quite unnecessary, and that, after learning his name and connections, he would do what he could to relieve him. This information being given, to the Laird's satisfaction, he thereupon handed the gentleman what money he had in the house, receiving from the officer therefor his personal bond. In a few hours he rode off to the coast, hoping to escape by some vessel to France. But the bond was said never to have been redeemed; which was accounted for on the supposition that the officer had afterwards been captured or lost his life; it being a matter of profoundest faith among the Jacobites that such a bond would have been honourably made good had the gentleman effected his escape in safety.

In 1757, James Haig was married to Barbara, eldest daughter of William Robertson of Ladykirk—a lady of much good sense and discretion, and whose correspondence with her brother Roger, formerly referred to as having supplied Douglas with some account of the Haig family for his *Baronage*,<sup>1</sup> shows that a very close tie of affection bound brother and sister together, his letters to “Dear Baby”<sup>2</sup> being carefully preserved as arranged by her many years afterwards. Here is one of his letters to her on the occasion of her marriage.

Ladykirk Farm.

DEAR BABY,—Your pious letter made me serious. I return you thanks. The continual favours of Providence ought to fill our hearts with gratitude; all we can do is, to make due acknowledgments, and endeavour to make a proper use of the benefits we enjoy.

I hear all hands are busy at work for your reception [at Bemersyde], which I am sure will be agreeable. I imagine your first entry will be fatiguing. All your neighbours are sett to be upon you; you must receive them all, chuse whom you think worth cultivating an acquaintance with, and correspond in ceremony with those you are indifferent about,—for I am afraid none must be neglected, one must even do that they would not incline so as to make it be thought that you make no difference, while the more discerning will approve your more intimate acquaintance.

I really think you must procure servants who can do something more than ordinary. It is impossible that one can in a strange place be themselves always everywhere; and it will take some time to get into a method. You will have certainly folks to entertain—you will have them to please; and fools being more in number than the wise, and more difficult to treat, one must accommodate themselves to—I had almost said incommode themselves with—their mistaken notions. But what need I say more? I dare

<sup>1</sup> *Ante* p. 14.

<sup>2</sup> *Baby*, Sc. contraction of Barbara.



say thoughts of this have styred you ere now. I am persuaded Maccerstoun family will be agreeable, and I imagine Lady Dye Scott<sup>1</sup> to be a good girl. As to all you see or intertain, none I am sure has seen better than what we have been used to ; so less anxiety needs be about these matters. My service to all with you, and am, dear Baby, yours, etc.,

R. ROBERTSON.

Three sons were born to James Haig of this marriage—(1) James Zerubabel Haig, his successor ; (2) Isaac, afterwards known as of St Helen's, Melrose ; and (3) William, who died in 1794.

Except for an unfortunate law-plea in which he involved himself with the Haliburtons of Dryburgh in 1767, James Haig's life was in its general tenor a quiet one. As already mentioned, he was ever willing to assist his neighbours and friends with his law-learning, though unfortunately this did not suffice to keep himself at all times out of very serious embarrassments. One of those instances of his neighbourliness may be mentioned here, as having to do with a matter of more than local interest.

Readers of Scott's *Monastery* may remember that in his Introduction to that work, the novelist has given a description of the three towers of Langshaw, Colmslie, and Hillslap, which stand near each other at the head of the Ellwyn water, about five miles north of Melrose—Hillslap being since recognised in popular belief as the Glendearg of the above novel.<sup>2</sup> Referring to these towers, he

<sup>1</sup> Lady Diana Home, youngest daughter of the last Earl of Marchmont, Baron Polwarth, married Walter Scott of Harden, whose only son, Hugh Scott of Harden, succeeded to the title of Lord Polwarth in 1835.

<sup>2</sup> So much has this ruin become identified with the imaginary Glendearg, that many persons in the locality now only know it by the latter name, which in practice has quite superseded the older and more accurate

says : “ One of these is the ruinous mansion-house of Hillslap, formerly the property of the Cairncrosses, and now of Mr Innes of Stow. Hillslap is remembered by the humours of the last inhabitants, two or three elderly ladies, of the class of Miss Haylands, in the *Old Manor House*, though less important by birth and fortune.” Regarding these old ladies, we find from the Bemersyde papers that two of them—Elizabeth and Janet Cairncross—died in 1759, possessed of not inconsiderable fortunes, and that (according to a memorial of the case drawn up by James Haig) they in their last illness were prevailed upon to convey their movable estate to the prejudice of their nearest kinsman, one Thomas Mill, a schoolmaster at Halalies. Elizabeth bequeathed her estate to John Rutherford of Edgerston, and Janet hers to Alexander Pringle of Whytbank and his children. In the circumstances, Thomas Mill had had recourse for advice to the Laird of Bemersyde, who, in 1762, employed, curiously enough, Mr Walter Scott, the father of the novelist, to prosecute the poor schoolmaster’s claim in the Court of Session, and endeavour to obtain a reduction of the settlements. In this the claimant succeeded, and both wills were reduced in 1763. Mrs Janet’s “confirmed testament” amounted to £6359, 2s. Scots, and that of Mrs Elizabeth to £5903 Scots—being £12,262, 2s. Scots in all.

name of Hillslap. A similar metamorphosis in nomenclature has taken place with regard to a farm a little further down the valley, which was formerly known by the somewhat bucolic name of Calfhill, but is now distinguished as Glendearg Farm. So effectively in this part of the country has the potent spell of the Wizard given “a local habitation and a name” to the airy creations of his fancy.

During the course of the case, Mr Scott reports from time to time to James Haig how the plea is proceeding; and the following, as a specimen of the business letters of Sir Walter's father, is of interest. The letter, originally written on very thin paper, has been much injured by damp; but the handwriting, as in all of Mr Scott's letters among these papers, is beautifully clear and distinct.

*To James Haig of Bemersyde, Esq.*

Edinr., 24 June 1763.

DEAR SIR,—We have had two days very hot work in the cause Mill against Rutherford, etc., yesterday—Mr Alexander Gordon and Mr Monro spoke on the part of the pursuer, and Mr . . .<sup>1</sup> and Mr Wal. Stuart on the part of Major Rutherford's son. This day Mr Ilay Campbell opened for Whitebank, and was answered by Mr Jas. Burnet. I must say that the lawiers on both sides have pled the cause with great propriety and skill. On Tuesday Mr Montgomery for Whitebank, Mr Ferguson for Rutherford, and Mr Lockhart for Mill, are to speak in the reply. I hardly think the cause will be determined till Wednesday, as the pleadings yet to come will be long. So far as I can judge, the Court are favourable for us on both deeds, and particularly the President,<sup>2</sup> Afleck,<sup>3</sup> and Alemore were very attentive. In short we are, I think, in the way to prevail in the reduction of both settlements. The defenders themselves seem to fear it, and it looks as if some of the people concerned in making the deeds will be called to the bar—you'll no doubt know who I speak of. Ane objection was made this day to the evidence of Park—I mean to his credibility—founded on his having been guilty of forgery; but this goes for nothing, as it is unsupported by any evidence in the state, and it gives ane opportunity of introduc-

<sup>1</sup> MS. torn.

<sup>2</sup> Dundas of Arniston.

<sup>3</sup> Auchinleck, the father of James Boswell, Johnson's biographer.

ing the story of Kyle's marriage, which is reserved for Mr Lockhart on Tuesday. I find now that Whitebank's friends and lawiers are very apprehensive of the consequences, and much regret their not having compromised matters when they had it in their power. They have signified to me this day that they would gladly make it up now in a friendly way; but in answer to this I told them that I had no powers, tho' at same time I said to them that I should communicate their proposal to my client. I will neither pretend to persuade T. Mill to enter into this agreement, nor will I diswade him from it. I own I wish, and I firmly am of opinion, that he will win the cause; but, on the other hand, I wish some other person than Whitebank were to suffer the loss.

You will be so good as send for Thomas, and let him know what is proposed. If he agrees to treat with Whitebank he must come to toun, or at any rate, he must let me know his resolutions betwixt and Tuesday evening. There is but little time for a thing of this sort now; as, therefore, Thomas is next to certain of prevailing, you may perhaps incline to advise him not to agree to this matter, but rather to show Whitebank some favour afterwards. But at any rate I think Thomas or his son should come here on Monday, and stay till the cause is decided. This is wrote in a great haste. I hope you'll forgive the mistakes and imperfections in it, and with compliments to your lady, I am, dear Sir,

*Your most obed<sup>t</sup> Serv<sup>t</sup>,  
Walter Scott.*

I am obliged to give the lawiers another fee. The expence in this cause has been great, but the most of it is now over.

On the 6th of July, Mr Scott again writes to Bemersyde telling him that he and Mill had met

with Whitebank "and his doer," who offered the pursuer one hundred guineas to be quit—and Mr Scott "believed they would have come the length of one hundred and fifty guineas;" but he would not agree until he saw Mill's counsel, who refused the terms. The cause therefore proceeded, when, as already mentioned, judgment was given in favour of the schoolmaster. In Mr Rutherford's case, the judges were unanimous; in Whitebank's case they were not. To prevent further litigation with the latter, a compromise was agreed to. But even this was not settled till after nearly two years' further delay; and then, of what money was obtained from Whitebank, very little came to "poor Mill," the greater portion being swallowed up in judicial expenses. He was so far benefited, however, in that he received in full the money of Mrs Elizabeth Cairncross, which had gone to Rutherford of Edgerston.

Nor was this the only business transaction between Bemersyde and Mr Scott, as about this time the affairs of Haliburton of Newmains and Dryburgh fell into disorder, and the estates were brought into the market. Mr Scott's mother was the daughter of Thomas Haliburton of Newmains. The latter died in 1753, and was succeeded by his brother, who died, unmarried, in the year following. Newmains and Dryburgh thereupon descended to a third brother, named Robert. Referring to this, Sir Walter Scott, in the autobiographical fragment prefixed to his Life by Lockhart, says: "My grand-uncle, Robert Halliburton, having no male heirs, this estate, as well as the representation of the family, would have devolved upon my father, and

indeed old Newmains had settled it upon him ; but this was prevented by the misfortunes of my grand-uncle, a weak, silly man, who engaged in trade, for which he had neither stock nor talents, and became bankrupt. The ancient patrimony was sold for a trifle, and my father, who might have purchased it with ease, was dissuaded by my grandfather, who at that time believed a more advantageous purchase might have been made of some lands which Raeburn thought of selling. And thus we have nothing left of Dryburgh, although my father's maternal inheritance, but the right of stretching our bones, where mine may perhaps be laid ere any eye but my own glances over these pages."

When Robert Haliburton's affairs collapsed, as above described, James Haig had naturally a strong desire to buy back Newmains into the family, this being the portion of Bemersyde, formerly called Nether Mains and Moriden, which had been sold to the Haliburtons by his great-grandfather, David Haig, in 1637. He therefore, in 1765, entered into a correspondence with Mr Walter Scott on the subject of the purchase ; but the latter intimated to him, after a time, that he could not continue to act as his agent in the matter, as he was disposed to offer for the property himself. He afterwards, as above stated, changed his mind ; and in December 1765, in writing to Mr Haig about some other matters of business which the latter had intrusted to him, he says :

As to Dryburgh, I did wish to have been the purchaser ; but as matters turn out, and as any little matter I have is employed another way, I shall like as well to let it alone.

I never heard of any offer being made for it; and I am certain that it is worth more to you or the Doctor <sup>1</sup> than to any other person whatever; and were I in the situation of either of you, I certainly would have it at any price. But you can judge best of your own affairs. As I reckon myself out of the question as a purchaser, you may now depend upon all the assistance I can give you as an offerer. Only remember that I must always keep the interest of my friend [Robert Haliburton] and his creditors in view.

In another letter to Bemersyde in July following, he says :

Mr Haliburton expects £5500, and I doubt if the sale will be set up under £5000. It is my opinion that the purchasers of that estate must not consider the quantity or quality of the land so much as the beauty of the place.

In the meantime, Mr Haig had begun to entertain notions of a different kind regarding the estate of Newmains. He was advised, or otherwise arrived at the belief, from the nature of the transactions between his grandfather, Anthony Haig, and John Haliburton in 1680; that the latter only held Newmains on a redeemable mortgage, and that no absolute sale had been entered into betwixt the contracting parties in 1637. Acting on this belief, he appeared by an agent on the day appointed for the sale of the estate, and entered a protest against the sale, on the ground of its illegality, and so scared off the other purchasers that no offers were obtained. The creditors of Robert Haliburton op-

<sup>1</sup> Dr Ferrier of Cowdenknowes, who was married to a niece of James Haig's—the daughter of his eldest sister, Mrs Home of Ayton. Dr Ferrier's father, Provost Ferrier of Dundee, had in 1731 married the heiress of Cowdenknowes; but owing to the Ferriers having lost their money about 1760 in some commercial speculations, they were obliged to sell Cowdenknowes.

posed Bemersyde's claim, and a long and expensive lawsuit ensued, the result of which was that judgment went against Mr Haig, and he was found heavily in expenses—the estates of Newmains and Dryburgh being thereupon bought by Colonel Tod for £5500. The proceeding was a rash one on James Haig's part; for the private opinion of his own counsel was in the main against him, on the ground that whatever claims he or his family may at one time have had under the deeds in question, these had been prejudiced by the "long taciturnity" of the family with regard to the same. The consequence was, that Bemersyde came out of the fray a very much poorer man than he went into it.

Other troubles were also pressing upon him. The Hon. James Home of Aytonhall, his eldest sister's husband, had died in 1764, and since that time a violent quarrel had occurred in the Home family over the Birgham property, which was to have been sold, under the will of Ann Countess Dowager of Home, for behoof of the daughters of Mrs Home of Aytonhall; but the Countess Dowager, for some time before her death, had been on bad terms with her brother-in-law, Alexander ninth Earl of Home, who was married to his cousin Marion, one of Mrs Home's daughters. Another of these daughters (Anne) was married to Dr Ferrier of Cowdenknowes, and a third (Janet) to Anthony Compton of Carham Hall, Northumberland. On the occasion of Janet's marriage, James Haig had become security to Compton for her dowry of £1000 sterling, which money was to have been forthcoming from the bride's share in the sale of the



Birgham estate; but as the Earl of Home, from some unexplained motive, refused to sanction the sale on such conditions as were practicable, and as Compton—a greedy, coarse-natured, avaricious man—was pressing James Haig, under the extremest penalties of the law, for his money, a painful scene of confusion and distress was the result. This told more especially upon Mrs Home of Ayton, who had, by reason of her husband's attainder in 1716, been left very poor; and the letters she at this time writes to her brother are of the most heartrending description. Many a time she abruptly breaks off, even without signing her name, saying that her tears prevent her writing further. Her poverty and her troubles were also aggravated by the harsh treatment which her daughter "Jessie" was receiving from her husband at Carham Hall, he being described as continually cursing in his wife's hearing all Scotchmen, and all who made bargains with them. He had, moreover, a clergyman in the neighbourhood—one of that order of them, let us hope extinct, described by Sir Walter Scott as "cringing at the tables of the gentry, and domineering and rioting at those of the yeomanry"—who not only added greatly to the bitterness of Mrs Compton's life, but wrote, at her husband's instigation, the most cruel letters to her mother. The whole correspondence is of the most painful kind.

During these troubles, James Haig's father-in-law, William Robertson of Ladykirk, stood his staunch and unfailing friend, doing all in his power, by acts of kindness and practical advice, to relieve his anxieties and assist him in his difficulties. The

Laird's eldest son James was now receiving his education in Edinburgh, and found a home in the house of his grandfather, who was very fond of his youthful charge, and writes many a letter from the Old Assembly Close in praise of the boy. "Jamie," we find him writing to his son-in-law, "is ambitious to be a scholar, and a fine genteel boy he is. So soon as grandmamma goes to Hillhousefield, we are to begin him with the Latin at Leith School, where he will be much noticed and caressed; and I hope the free air and moderate exercise will increase his strength and confirm his health." He had also a daughter, Sophia, who was like a second mother to the boy; and the boy, when he became a father himself, did not forget the kindness of this maiden aunt, naming after her that daughter of his who was destined to become the last of this line of the Haigs. All that we know of this family of Robertsons is indeed lovable and loving, and the sweet influence of their homely, kindly ways, spread itself throughout all their connections—a kindliness which, like mercy, blesses both him that gives and him that takes. Here is one letter as an example out of many. It is from William Robertson to his daughter Barbara at Bemersyde.

Edinr., 20th April 1767.

MY DEAR BABIE,—Upon recollection, I find it is some months since I gave you any pocket-money, so send you enclosed ten small notes for your own use. Sophia will write you that I am to pay Mrs Garrioch 20 shillings for alteration of your gown, and something (sixteen shillings) to the Miss Ramsays, these imposing friends of hers.

I am glad to hear by Roger that Isaac and Willie are so

hopefull. I hope and expect some good use may be made of both, after good education. You may be assured you and they are alwise remembered by me, and I approve much of the constant care you take of them, if you could keep yourself from being so fond, which can produce no good effect but to make them continue long childish. This is apparent in Jamie, who, bating that, is as fine a boy as is in Scotland—as genteel, and turns every day more and more like yourself. Don't take this to be a compliment, for every crow thinks his own bird whitest. Farewell, dear Babie, and ever am yours,

WILL. ROBERTSONE.

*P.S.*—In mentioning Jamie, I cannot omit to take notice of the constant care and attention that honest Sophy gives to him. It is equal to that of any mother; and with such honesty and affection, that it cannot well be equalled with any such connection.

While the eldest son was thus receiving his education in Edinburgh, his brothers, “Isaac and Willie,” were receiving private tuition under a tutor at home. In the beginning of 1775, however, they were sent to the Grammar School at Selkirk; but within two months thereafter took fever, and their anxious mother, hastening to the bedside of the little sufferers, was stricken down with the fever also. All three, happily, recovered; but the short period of eighteen months during which the two lads remained at Selkirk school did not pass without a second similar attack. From the nature of the references made to the fever from which they suffered, it would appear to have been of a more severe kind than usual. The ague was then a disease extremely common in the south of Scotland. We are continually meeting in James Haig's

papers with notes to the effect that some one or other of his servants was laid aside for so many weeks, and sometimes months, with ague—a disease now almost unknown in the district. This freedom from ague may be due to the fact that many of the great marshes and bogs which then existed have been reclaimed, while the processes of draining and cultivation have dried the soil generally, and consequently improved the climate, removing that humidity and dampness which are the prolific sources of such disorders as that referred to. The ague was common till shortly after the beginning of the present century, when it seems to have entirely disappeared.

In the spring of 1777, Isaac and William Haig were transferred to the High School of Edinburgh to continue their education, where no doubt good Aunt Sophia and their kind grandsire guided them with parental care. Their elder brother James, now aged nineteen, had completed his career at school and college, being noted as a clever and stalwart fellow for his years.<sup>1</sup> He was also, like other young gallants of the period, taking to the wearing of swords and powdered hair, and rendering himself generally expensive to his father. The latter duly takes note of the fact; and frequent payments of thirty shillings to Kay the hairdresser<sup>2</sup> for “myself and Jamie,” indicate that the latter was now receiving recognition of manhood from his

<sup>1</sup> Four years after this time, his father notes in one of his books that he and Jamie had been in the weigh-house in Edinburgh, when the Laird weighed 11 stone 5 lb., and his son 12 stone 3 lb.

<sup>2</sup> This was the well-known artist, whose portraits of old Edinburgh worthies are held in such esteem.

father. There is little spent by the son which the old man does not carefully take note of. Two years before this time, the sum of sixteen shillings had been sufficient to carry "Jamie" through the extravagances of Kelso races and ball;<sup>1</sup> but now, although the allowance had been greatly enlarged, even this was not enough.

1776.

Aug. 27. Given Jamie to go to Kelso Races, £5 0 0

*N.B.*—I have to pay T. Potts [the Laird's brother-in-law] for Jamie, which he spent at Kelso Races more than the above, £3, 3s. . . . p<sup>d</sup>. 2 2 0

Shortly after this time, a question of a much graver character fell out between father and son, which, but for the wise mediation of the Laird's father-in-law, might have given us something like a repetition of the old quarrel between Anthony Haig and his son Zerubabel. It arose thus. The American War, which began in 1775, had in 1777 resulted in a series of unmitigated disasters to the British arms; and as in the latter year France and Spain had joined with the revolted colonies in a league against England, this country was thrown into a state of agitation, in the fear of invasion by France.

Accordingly, as happened in our own times in 1859, the threat of French invasion stirred the patriotic blood of the people, and a system of volun-

<sup>1</sup> "Kelso Races were particularly brilliant that year [1774]. In those days the dwellers on the southern Border seem to have frequented them as regularly as the inhabitants of the four counties (Roxburghshire, the Merse, the Forest, and Tweeddale), the Northumberland and Delavals being as constant attendants as the Buccleuchs, Douglasses, Kerrs, and Elliots."—*Memoir of the Right Hon. Hugh Elliot*, by the Countess of Minto, p. 72.

tary recruiting and enlistment was set on foot in the principal counties of Scotland. In the Borders, the Duke of Buccleuch, following the noble traditions of his family, exerted himself to raise a body of mounted yeomanry, and in this body young James Haig of Bemersyde had been offered by the Duke an officer's commission. The young man was most enthusiastic in the cause; and had already enlisted the services of four stalwart troopers, when his father stepped in, and peremptorily ordered him to desist. The old Laird was clearly as yet unreconciled to the new dynasty—though he cloaked over his real objection by expressing scruples as to the system of recruiting—and had therefore determined to assume a passive attitude, and to have his son do the same. But with the latter this was not so easy. He had not lived during the period of the Jacobite rising, and consequently had no especial cause for neglecting his duty to the reigning sovereign from an ideal reverence towards a prince who had now no more prospect of reigning over Great Britain than he himself had. In these circumstances he had recourse to his grandfather in Edinburgh, who, like his father, had been a Jacobite, and was therefore the more likely to be effective in overcoming the old Laird's scruples. William Robertson, thus appealed to, addressed a letter to his son-in-law. He takes up the matter as if by accident.

*To James Haig of Bemersyde, Esq.*

DEAR SIR,—I saw your letter to Roger upon the subject of recruiting for the Duke of Buccleuch's Regiment, levied for defence of the country, to be commanded by the Duke himself and the gentleman heritors of the country. Upon

this subject I would ask at you one question, and refer the answer to your own recollection :

*Quæritur.* If the Battle of Ankrum Moor, fought in the 1544,—I say, If that Battle was fought by Scott of Buccleuch and Haig of Bemersyde by themselves alone, or with and by the assistance and support of the fine fellows of the country, without recruiting money? And if there should be any lamentation, feeling, or compassion for engaging any young fellow in the country to serve in a regiment commanded by the Duke of Buccleuch and the gentlemen of estate, heritors in the country?

The answer to this question I refer to your own recollection, and desire nothing in writing upon the subject—But would desire and wish that you and Mrs Haig would come to town to see the Races next week, or rather to see your friends before you are engaged in the harvest, which I hope is in a fine way of coming on soon; and this visit will give you an opportunity to dispose upon oxen, if you have not already done it.

My blessing to Baby and the young gentry; and am, dear Sir, ever yours, etc.

WILL. ROBERTSONE.

Edinburgh, 22d July 1778.

In a letter written by Mr Robertson on the same day to his grandson, he makes further reference to the matter, speaking of the business of recruiting as “most unpopular, and consequently most disagreeable to Mr Haig your father, and to all the men of feeling”—the latter an agreeable euphemism for Jacobite. The Laird had hitherto resisted all persuasion; though James’s mother had been so far opposed to her husband’s scruples on the subject as to have been assisting the young man to achieve his object. Under date June 27, 1778, the Laird has made the following entry in his note-book: “Jamie, from his mother, to buy regimentals, £10, 10s.”

But upon the receipt of his father-in-law's letter he must have become less rigid in his opposition; for within three days thereafter we find him setting down that he had given his son three guineas, and a few days further on, a pound. At length he was got to lower his flag entirely, and give his son an outfit and allowance becoming his station and his rank as a lieutenant in the Border Yeomanry. The account of his disbursements between September 1778 and June 1779, chiefly for regimentals, and suchlike, for his son, amounts to £61, 3s. 10½d.; he being careful to add that though this account begins only in September, yet the young lieutenant had "received pay from April, and I was at very extraordinary expenses attending him at the recruiting, and supplying him constantly with money." Old Anthony could not have been more exact.

But this taste of military life among the yeomanry did not long satisfy the young man, and two years afterwards we find that he has received a lieutenant's commission in the line.

1780. My son Jamie set off to London earlie on Monday the 28th Aug. as Ensign in the 35th, to join Lord Napier's Company at Wellwing. On the 30th I had a letter from Mr Clare, agent for the 93rd. Regt., that Jamie had got a Lieutenancy in that Regt., and his commission bears date 14th Feby. last, and is entitled to subsistence money from that day. General Fletcher gave a present of the Ensigncy, and the Lieutenancy cost only £130; but Mr Clare must have a present, which was £30.

A few years after this time the Laird of Bemersyde made an addition to his estate on the north-west, by the purchase of a small farm called Black-



dykes—now swallowed up in a larger holding, as many other small farms on the estate were in the beginning of the present century. His eldest son approved much of the purchase, characterising it in one of his letters as “most judicious and advantageous.” It seems at first to have been intended as a property for Isaac, the second son; but he, after retiring from Holland, where he had resided for two years completing his education, preferred the life of a merchant to that of an agriculturist. He was therefore sent in 1784 to Bordeaux, where, for three years, he was connected with an eminent firm in the wine trade; after which he appears to have gone into business for himself, and prospered. In after years he retired, and returning to Scotland purchased the property of St Helen’s, at Melrose, where he lived till his death in 1835. William, the youngest son, was placed in a solicitor’s office in Edinburgh; but his health had always been weak, and he died at Martinique, West Indies, in 1794.

In 1783, James Haig, who was then on leave from his regiment, on the Continent, refers in one of his letters to his father to some losses which the family had sustained on account of the failure of certain of their tenants, one farm having thus fallen into the Laird’s own hands. “I hope, my dear father,” says James, “it is not by any means unlucky; for I am of opinion that some little business was the only thing wanting to make you perfectly happy in the country. You have been accustomed to an active life; and as that farm is not an object, it will and ought to be an amusement (in which you are so entitled to excel), and not a drudgery.” But

his health by this time was declining; and the death in 1782 of his brother-in-law Roger Robertson, to whom he was dearly attached,<sup>1</sup> and that of his father-in-law, Mr Robertson of Ladykirk, in the following year,<sup>2</sup> had a depressing effect upon his mind, all which tended to destroy that buoyancy of spirit which had hitherto characterised him. Up till 1787, however, he continues to enter all his business transactions in his books as hitherto; but after this date these entries cease, and in 1790 he died, aged seventy-two years. He was of active, careful, and somewhat worldly habits; yet in disposition was serious and devout, more especially in his later years, as the letters of his friends to him during that period testify.

His widow survived him till 1798; her son James, under date 4th November of that year, making the following entry in his diary: "At four in the morning my mother died, without a struggle or a groan. Nature had failed; and she had long been in a feeble, weak way. I believe her age was seventy-seven. A worthy, valuable, affectionate parent; the interest of her family was her only and constant care. My father and she lived together for thirty-three years in great friendship and happiness. She survived him eight years and three months."

<sup>1</sup> "Nov. 1782. My dear friend Roger Robertson died at 9 o'clock Tuesday morning, the 26th inst., and was buried at Ladykirk on Saturday the 30th."—*James A. Haig's Diary*.

<sup>2</sup> "May 1st, 1783. The remains of Mr Robertson, my father-in-law, was interred in Ladykirk Church betwixt 6 and 7 o'clock this evening. He died [at Hillhousefield] on the 25th April, about 20 minutes after 3 afternoon. His age was 95."—*Ibid.*

## CHAPTER XIII.

1783-1881.

XXIV. JAMES ZERUBABEL HAIG, 1790-1840 : his travels on the Continent—Paris and Versailles—The French Court in 1783—Louis XVI. and Marie Antoinette—Their banqueting-hall at Versailles—The Dauphin—Anecdote of Madame du Barry—Corruption of society, courts of justice, etc.—Succession to Bemersyde—Agricultural improvements—Family bereavements—XXV. JAMES HAIG, 1840-54 : dies unmarried—Superstitions attending his death and burial—Succeeded by his sisters—XXVI. BARBARA HAIG, 1854-73—XXVII. SOPHIA HAIG, 1873-78 : last of David Haig's line—Disposition of Bemersyde property to Colonel Haig—The "Clackmannanshire Branch"—XXVIII. ARTHUR BALFOUR HAIG, 1878.

WITH the succession of James Zerubabel Haig as the twenty-fourth Laird of Bemersyde, we enter upon the last stage of the family history which we have thus far traced. As we emerge from the eighteenth century into the nineteenth, we come to deal with events and customs, manners and habits, that are still within the recollection of the living ; hence the element of historical interest declines, and briefer treatment is called for. The scattered memoranda of the seventeenth and earlier centuries, as they affect or illustrate some phase of national or family life that has passed away, have a certain historical charm which more recent developments by their nearness lose. It is only after a few more cycles

of time shall have revolved, and not till generations have risen up that shall look back upon us and our surroundings through the obscuring haze of centuries elapsed, that the private records and diaries penned by busy fingers now, may be expected to have for our successors the delight and the interest which the presently old-world chronicles have for us.

James Haig was, as already mentioned, the subject of much loving care and solicitude on the part of his maternal grandfather and his family; and the excellent education and training which, under their auspices, he received, fitted him in many ways to adorn the rank in society to which he belonged. In 1780, as we found, he obtained a commission in the army; but upon the Peace of 1783, at which time he held the rank of Captain in the 93d Foot, he was placed on half-pay, and took the opportunity thus afforded to complete his education by a few years' travel on the Continent. The letters which he wrote during those years to his parents at Bemersyde exhibit him in a pleasant and amiable light. In all their affairs he took the patient and anxious interest that became him as their eldest son; and while abroad, negotiated all the steps of the transaction which resulted in his brother Isaac being entered as a merchant in Bordeaux. His youngest brother William was in weak health; and in his references to the ailing youth, which are constant and kindly, he always speaks of him as "the *loonie*," "the poor *loon*," and the like—a vernacular Scottish phrase of pleasant significance as thus used, suggesting the

XXIV. JAS.  
Z. HAIG,  
1790-1840.

idea of a lovable, romping, warm-hearted lad, whose chronic ill-health was not sufficient altogether to obscure the spirit of happy youthhood that glowed within him.<sup>1</sup> Kind old Aunt Sophia was also a frequent subject of the absent soldier's inquiries, mingled with tender suggestions as to migration from Edinburgh to Bemersyde in order to preserve her health, of which old age would appear to have been the chief antagonist.

The manuscript notes of Captain Haig's tour on the Continent are still extant, filling a large quarto book of three or four hundred pages. The experiences and observations which he thus sets down show him to have been a man of much culture and refinement, with some taste in the fine arts; while the general standard of his character and intellect is indicated by the fact that the travelling companions with whom he spent most of his time, especially in Paris, were such men as Lord Saltoun, Lord Ancrum, Lord Daer, General Melville, and Professor Dugald Stewart.<sup>2</sup> A traveller's note-book is in general rather barren reading, of little interest apart from himself and his own immediate circle; yet, as that of a visitor to France within a few years of the time when the terrible simoom of the Revolution should sweep down upon it, the journal of Captain Haig contains not a few

<sup>1</sup> The Scotch *loon* has also a bad sense, as applied to "a worthless person."

<sup>2</sup> One of his entries referring to the Professor may be quoted: "*Aug. 6th, 1783.*—Again visited Versailles with Mr Lumisden, Lords Daer and Ancrum, and Professor Dugald Stewart, whose remarks were most acute, and his conversation entertaining, delightful, and instructive. I was the other morning at the Count de Catalan's literary breakfast, when the French paid the Professor of the University of Edinburgh much respect. They addressed their conversation to him, and I triumphed in the manner he acquitted himself."

passages of historic interest. Here is a picture of one of the military displays under the old *régime* :

*Monday, 29th June* [1783].—Lord Saltoun, with whom I am very much, took me out in his carriage on Saturday to the review of the Garde du Corps at the Trou de l'Enfer, near Marly, and from thence to Versailles.

La Garde du Corps du Roi is a body of twelve hundred gentlemen, who form a corps of cavalry, and likewise do duty as foot sentinels in the apartments and inner passages at Versailles. Every private is a gentleman, and has the rank of a Lieutenant of Cavalry, and from that may get a troop of an ordinary regiment. . . .

There were eight hundred of them drawn up on a fine plain, and about five in the evening, the King [Louis XVI.], the Queen [Marie Antoinette], Monsieur [*frère du Roi*, afterwards Louis XVIII.], Le Comte d'Artois [the King's third brother, afterwards Charles X.], Le Duc de Chartres, etc., came to review them. The King passed along the line in a State coach, and then on horseback ; the Queen and Princesses, and a most numerous train of attendants, did the same, in carriages, and then took their station in front—the King and Princes on horseback. The Garde du Corps passed in files, and then in squadrons, which ended the review.

The magnificence of the Court was shown in all its splendour, and exceeded the highest ideas I had formed of it as the first of Europe. The State coaches—their glass and gilding—sets of horses—riding-horses—enormous train of attendants and officers attached to the Court ! The Queen's State equipage, in which half-a-dozen of the ladies sat, was the most magnificent thing possible—the coach, which is double, with paintings and gilding and mirrors, etc., drawn by eight beautiful grey horses, finely decked with plumage, white feathers on their heads and necks, splendid harness, and each led by a running footman, and followed by numerous servants—was as fine as can be imagined. The carriages took more than an hour to pass along the line—the ladies all in full dress ; and a charming evening added to the pleasure of the sight.

Next day (Sunday) he visited the Palace of Versailles, and saw the Royal family at dinner. Read in the lurid light of the coming '89, his description of the banquet can hardly be perused without a feeling of melancholy.

The Garde du Corps were sentinels on the stair and apartments. At twelve we saw the King, Monsieur (*frère du Roi*), Le Comte d'Artois, etc., pass through the gallery and suites of rooms to mass. We followed, and heard mass performed, which is the finest concert in France. Every Bourbon must hear mass once a-day. There were a number of people present; they don't detain you more than twenty minutes. At half-past one, the Queen and Madame Elizabeth (the King's sister) passed through to mass. We drew up for them to pass, so that I had a view of all the Royal family close to me. The King is twenty-eight years old. He and Monsieur are fat, and not well made—rather bandy-legged, and have a waddle in their walk; but good-looking, good faces, with high aquiline noses. They have the character of being good-natured, worthy men, and look like it. Le Comte d'Artois is well-made, light and thin and active, but not so good a face as the other two—a little marked with small-pox, and large lips, but a handsome man. They are all rather above the middle size—perhaps 5 feet 9 inches. The King was dressed in plain dark-blue silk, a star *à croix*, and a shoulder-strap of rich diamonds. The Queen is twenty-seven years old, very well-looking—a fine figure, rather full—a fine air. She was quite plain dressed; her head ornamented with real flowers, and a large bouquet of them; fine sandy-coloured hair. Many of the ladies of the Court beautiful. Madame Elizabeth wore no rouge; a very pretty face, but very fat.

After seeing the Queen repass, we went and saw the King and her at dinner—*au grand couvert*, as it is called. They were served on gold plate; the real officers of State stood behind them, and handed the plates, etc. The King ate plentifully; talked and laughed to his attendants a great deal. He uses his left hand. The Queen did not

cat, but was to dine in private with Madame—it was at two o'clock. We afterwards saw the Dauphin, in a little place railed in, before his apartment on the terrace. He is about two years old—a fine boy with light-blue eyes.

Poor little Dauphin! The ensanguined guillotine has not yet been erected for your royal parents—but will be; and you, in your little railed apartment on the terrace, are still under daintier serving-hands than those of Simon the Cobbler! You are still, indeed, the fashion in France.

This year the favourite air was *Malbrooke*<sup>1</sup> *s'en va-t-en guerre*, etc., a pretty enough, simple, old French lilt—the words nonsense. An old woman, the Dauphin's nurse, was singing it to him; it pleased the Queen,—and immediately it became the fashion at Court, from that to Paris, and then all over the kingdom—to the street singers. Everything, likewise, is *à la Malbrooke*—ribbons, hats, caps; even the beggar's dog is Malbrooke. And the statues of the Virgin at the corners of the streets have had a *tête à la Malbrooke* on festivals—a wig as worn by the generals of that day. Such is the prevalence of fashion in France, and the influence of the Court on it.

Captain Haig in the course of his sight-seeing visited St Germain, the Court of the last of the unhappy Stuarts; and likewise Lucienne, the chateau of Madame du Barry, the last and favourite mistress of old wicked Louis the Well-Beloved. Of the latter place he says:

The summer-house, which has the same view as St Germain, from which it is about two miles distant, stands just above the Seine. It has six apartments, fitted up with all

<sup>1</sup> Or *Malbrouck*—i.e., Marlborough. The air referred to is that of "For he's a jolly good fellow."



the luxury and elegance with which the French are so well acquainted—the cornices, chimney-pieces, furniture in the most beautiful, light, and yet rich taste imaginable. Fine paintings, appropriate to its purpose. Here she used to receive Louis and entertain him with her wit and freedom and eccentricity, which he relished after having run through, and being surfeited of, the gallantries of his Court. When the Pope sent a cardinal as ambassador to him, he received him at his real *levée*; when Madame du Barry, rising from the bed, stretched out her handsome leg, and desired the Cardinal to hand her and put on her slippers—which he did, on his knees.

This is but a glimpse into the seething caldron of iniquity and depravity, which rose to the point of blood-heat in 1789. But to the writer of these notes, 1789, with all it implied, was in the darkness of the future; as was also that dreadful cry of “*La Lanterne !*”—or he might have had other thoughts in criticising the “reflecting lamps hung by cords over the middle of the streets” in Paris, than simply that they “throw a glare, but not near so good a light as the lamps in London.” Yet, amid all the glitter and seductive gaiety of Versailles, and the idle fashion and frivolity of the capital, he was able to see and to note some of those festering grievances which were as yet partially hidden beneath the silken garment of external pleasure; and his observations, to us who have the completed chapter of events before us, are sufficiently noteworthy.

The common people are, I believe, poor, and oppressed by many grievances—particularly by the capitation and salt tax; and the peasants who labour with their horses little divisions of farms, are particularly subject to many vexatious exactions, which are said to be irregularly laid on, and are always rigidly exacted, without consideration to their



ability. A small sum thus paid may often happen to be very distressing, and even beyond the abilities of the poor man. The taxes are almost all farmed, which makes them more severely exacted. They are accordingly indolent, and lazy, and improvident; the country ill cultivated—cropped out, and left to rest; no green food in winter for the cattle. The wages are about 6d. per day—sometimes 8d.

All the ordinary offices of justice, etc., are sold in France, and corruption is said to be very common. A lawsuit carried in the first place, or by appeal, before the Parliament of Paris, is referred to thirteen of their number to examine and report upon it. Besides the councillors and the advocates, there are *solliciteuses*—accomplished women, of easy virtue, whose avowed business it is to manage the bribes with these judges, either in their persons or money. Of this, I never heard any doubt; but persons of ability and veracity with whom I have spoken on this subject deny the general influence of this corruption, and assert the justice and integrity of these courts notwithstanding. Indeed, one can scarcely believe society to exist under such universal corruption as it is the custom to represent existing in the courts. I do believe the lawsuits are expensive—the chicane of the law perplexing and infinite; and a poor person has little chance of redress, and influence has much weight in France. The last appeal in great causes is to Le Conseil du Roi; but the expense, tediousness, and risk, from the influence and power of the great, I believe give little chance of redress to ordinary ranks of society. A Frenchman does answer, as to the venality, that as the judges have paid for their offices, they must provide for their families!

In his letters, Captain Haig enters at more detail into the wickednesses of private life in the France of that period, more especially as regards the higher order of the priests, whom he is obliged to characterise in anything but complimentary terms; while the facts of their conduct, which he gives as coming

within his own knowledge and observation, are of the most revolting kind.

After nearly a year spent in Paris and the surrounding provinces, Captain Haig during the following thirteen or fourteen months visited Italy, giving the most of his time to the galleries of Florence and Rome, and filling his note-book with observations on the pictures and antiquities of those cities, and the natural beauties and wonders of Naples and Vesuvius. He returned to England in the end of July 1785. "This was," he says, "in every respect the most instructive and amusing time in my life; in which I spent about £700, including my pay. My kind grandfather [Mr Robertson of Ladykirk], had he lived, had promised to be at the expense."

Upon his father's death in 1790, he retired from the army, and took up his residence on his paternal acres. Four years afterwards he married Isabella, daughter of Samuel Watson, Esq., Edinburgh, by whom he had a family of five sons and four daughters. From this time he gave himself up entirely to the management of his estate, and the performance of his duties as a country gentleman. In 1796 he built a wing to the east side of the old tower of Bemersyde, laid out walks and pleasure-grounds, fenced his fields, and drained and improved his lands; his ample diaries giving evidence not only of his enterprise in agricultural matters, but of his activity and intelligence in all that pertained to his position both in the affairs of public and private life.<sup>1</sup> He seems likewise to have been a

<sup>1</sup> For some extracts of local interest, see Appendix No. XV.

diligent student of literature, with a great love for poetry and music; hence no doubt the warm friendship which existed in after years between him and Sir Walter Scott, who was a frequent visitor at Bemersyde, probably attracted thither not more by his veneration for the ancient family, than by the recitals to which he may have listened of the Laird's experiences of French manners and French society before the Revolution.

But the life of himself and his wife was not unchequered by domestic trials and sorrows. In the year following that of their marriage, their eldest son James was born; and in November 1796 their eldest daughter Mary, who died in infancy. The father thus refers to this, their first bereavement, in his diary :

*15th April 1798.*—Daughter Mary died this morning at half-past two, aged sixteen months and six days. A most promising infant—stout, and never an ailment till this last. . . . It was water in the head. Her countenance was lovely on her death-bed; her eyes shut, and never opened, she seemed in a continual soft sleep, interrupted by flushings in the face, and some difficulty of breathing. Often a smile upon her face, it was divinely placid. Her last struggle was long and violent, but without convulsions, or the least distortion in her sweet face. It lasted three hours nearly. Nothing could be so beautiful and tender as her mother's behaviour to her in this fatal illness—nothing so delicate as her attentions. She was most sorrowful, but most resigned.

This death was followed by that of his mother, who, as already noticed, died in November of the same year. Ten years later on, he breaks his narrative of agricultural improvements and domestic

occurrences, to note the death of his kind old Aunt Sophia, whose motherly care of him in his younger years he had not forgotten.

My worthy Aunt, Sophia Robertson, died on the 10th September 1808, at the advanced age of eighty. She retained her bodily strength and her mental faculties perfectly entire till within a twelvemonth of her death. . . . From my infancy she liked me as a partial mother, and left me most of what she had. A warmer, more disinterested heart never breathed; every person she preferred to herself; her pleasure was in doing good and giving to others. . . . If ever soul was blessed for its good deeds on earth, hers must be. It was most pleasing to see the great regard and the affection of all her friends for her in her illness. . . . Let me and mine ever venerate with affectionate regard her memory, and take example from her virtues!

The regularly-kept diary of the Laird ends shortly after this time, and it is only from stray documents that we are able to obtain further glimpses into the family life. Within the next three years, death twice again made its presence felt in that affectionate household. Amid the mass of musty legal writs, faded letters, business accounts, and all the miscellaneous gatherings of the old charter-chest, it is with a kind of tender surprise that we come upon two tiny packets of folded paper. Inside the one is a little lock of fair hair, still glossy as in life, tied with a silken thread; and outside are the words—written as we may suppose by the hand of the disconsolate mother:

My sweet William's hair; 12th November 1809;  
8 years and 8 days.

The other packet holds a similar relic of her dead boy Samuel, wrapped up, along with a leaf of the

lad's copybook, in a sheet of paper containing a copy of verses in the large round hand of youth, beneath which the mother has written :

My son was pleased with these verses, and copied them the forenoon of the day he died, being eleven years old. They show the opening of his mind, and are a true picture of his sweet, unambitious, unassuming character. June 11th, 1811.

These are the verses :

CONTENTMENT.

*A Sonnet by Lady Manners.*

Contentment ! rosy-dimpled maid,  
Thou brightest daughter of the sky,  
Why dost thou to the hut repair,  
And from the gilded palace fly ?  
I've traced thee on the peasant's cheek ;  
I've marked thee in the milkmaid's smile ;  
I've heard thee loudly laugh and speak  
Amid the sons of want and toil :  
Yet in the circles of the great,  
Where fortune's gifts are all combined,  
I've sought you early, sought you late,  
And ne'er thy lovely form could find.  
Since then from wealth and pomp you flee,  
I ask but competence and thee.

As we refold and replace these tiny packets, with their simple testimony to the ever-enduring tragedy of Death, it is not without a thought of Her to whom in the long-gone years they were the cherished memorials of dear ones loved and lost. There yet seems to linger about them the touch of her trembling fingers, as from time to time she unfolded them in the silence and solitude of that stricken home, to gaze in mute affection upon what were, to her, at once the symbols and the solace of her grief. The hand of the stranger may obtrude into

the sacredness of their secrecy now : for she, and all hers, have passed away ; the mourner and the mourned are equally silent and sorrowless : and side by side they slumber in the narrow bed where mother and sons alike partake the same repose.

Mrs. Haig is yet remembered in the district for her kindness of heart, her charity to the poor, her benevolent attentions to the sick and aged upon the estate and in the adjoining villages ; and many anecdotes are still current of her kindly, homely ways, and her gentle hospitality to all and sundry who had occasion to enter the ancient mansion-house. Her daughters were trained after the same excellent pattern ; and although, at a later period, their long residence abroad dissociated them to a large extent from Bemersyde and its people, they are yet, by those who knew them, always spoken of with pride, and remembered with gratitude.

Of the nine children born to Mr and Mrs Haig, four predeceased them. Of those who survived in 1820, were two sons, James and Isaac, and three daughters, Barbara, Sophia, and Mary—the last being the second of their children called by that name. In 1822, Mr and Mrs Haig, and their three daughters went to the Continent, where they remained for some years, chiefly on account of the delicate health of Sophia, who yet, notwithstanding her apparent constitutional weakness in early life, was destined to outlive them all.

In 1840, Mr Haig died, aged eighty-two years. His widow, who survived him six years, died in Italy in 1846 ; but she was not interred in foreign soil, her remains having been brought home and

laid in Dryburgh Abbey beside the husband and children to whom in life she had been so fondly attached. The deceased Laird was succeeded by his eldest son James. The latter, who was forty-five years of age at the time of his succession as twenty-fifth Laird of Bemersyde, was never married. Along with his avocations as a country gentleman, he conjoined the profession of a Writer to the Signet, which he practised in Edinburgh up to the time of his death. This occurred after a brief illness, and while his sisters were abroad, on 14th January 1854. His last surviving brother, Isaac, who held an appointment in the naval medical service, had predeceased him in 1852; hence, at his death his three sisters—all of whom like himself, were unmarried—became the sole survivors of his father's family. James Haig was a man of private and retired habits, yet held in much esteem, not only by those immediately connected with him, but by the gentry and nobility of the district, as the worthy representative of an ancient and honourable house.

His death was the occasion of much concern to the country people, whose faith in the prophecy of Thomas the Rhymer had never before been so tried, except previous to his grandfather's birth in 1718. His sisters, no doubt, might marry; but this, it was reflected, would introduce into the family a new strain and a new name, and there would no longer be "Haigs of Bemersyde" in the popular sense. The prophecy had hitherto been narrowly interpreted as embracing only heirs-male in unbroken descent; and now that this order of succes-

XXV. JAMES  
HAIG, 1840-  
54



sion had evidently failed, it was expected that something extraordinary would occur to signalise the disastrous event. The day of the funeral—Friday the 20th of January—was therefore looked forward to with a kind of melancholy foreboding. And it so happened that on the morning of the funeral—which was to have taken place at twelve o'clock, but by an accidental circumstance was delayed till two—the sky showed gloomy indications of an approaching tempest. All the morning great black clouds swept up the valley, gathering in ominous darkness overhead; and as the funeral procession moved away from the house, the wan light of the short January afternoon was rendered all the more dismal by the lowering clouds that prognosticated storm. When at length the old grey ruins of Dryburgh were reached—the very moment the feet of the bearers touched the consecrated ground and the voice of the officiating clergyman was heard to utter the first words of the solemn service, a blinding flash of lightning leaped forth from the black line of cloud immediately above, followed instantaneously by a crashing peal of thunder; nor did the storm abate till after the completion of the ceremonial. The significance of the event, the solemnity of the surroundings, and the unusual occurrence of a thunderstorm at that season of the year, were all fitted to excite the imagination of those who had forebodingly gathered together for the occasion, and each interpreted the phenomenon as his fears or fancy suggested. Less wild and weird accompaniments would not have sufficed, in the popular estimation, to mark the apparent failure of a prophecy

which had been credited with conferring a charmed existence upon the House of Bemersyde through so many long centuries of vicissitude and trial.<sup>1</sup>

The death of James Haig in 1854 introduces a new era in the family history. After that occurrence his three surviving sisters never returned permanently to Scotland, and hence became more of a memory than an existence to those who had known them in their

XXVI. BARBARA HAIG,  
1854-73.

ancestral home. The mansion-house was leased to Lord Jerviswoode, and in 1859 a large addition was made to it by the erection of the wing on the west side of the old tower. Once, and only once, after this time, did Miss Barbara Haig pay a brief visit to Bemersyde; but she had no pleasure in the changes that had been made, and was much grieved by the dwarfing of a fine holly hedge that encircled the old garden to the south, the enclosure having been, by some misunderstanding, cut down from a splendid growth of from fifteen to twenty feet in height, to the disappointing stature of a four-foot wall. As a significant indication of her love for the old place, it is remembered that Miss Haig, instead of sleeping in the newer and more commodious apartments of the house freely placed at her choice, preferred to climb the narrow winding stair of the old tower, up to the little bedroom in the turret above the battlements, which had been hers in the

<sup>1</sup> This account of the funeral and storm is derived from a communication to *Notes and Queries* (4th S. XI. 70, 71) by the Rev. Herbert Randolph, Ringmore, who was in 1854 incumbent of the Church of the Holy Trinity at Melrose, and officiated at the burial of James Haig. The thunderstorm is still vivid in the remembrance of the people of the district.

time of her youth, and was still rendered dear by the memories of days and of faces long departed.

After the final desertion of Bemersyde by the three sisters, and their resolve, for the sake of Miss Sophia's health, to settle permanently in Italy, they purchased a small estate on Monte Parioli, at Rome, with a very ancient house upon it, formerly known as the Villa Poniatowsky, but which they rechristened Villa Haig. Here they all successively died. The first to depart was Mary, who expired in April 1871, aged sixty; two years afterwards she was followed by Miss Barbara, who died in July 1873, aged seventy-

four; the sole remaining member of the  
 XXVII. So-  
 PHIA HAIG,  
 1873-78. family, Miss Sophia, surviving till the

8th of November 1878, when she died at the age of seventy-two; thus closing the line of the Haigs in direct descent from David, the twentieth lord of the barony of Bemersyde. Sophia was much beloved for her gentle, affectionate, and amiable disposition, her deep unobtrusive piety, and her unselfish thoughtfulness for others.

When James Haig died in 1854, he left the estates, which were never entailed, to his three surviving sisters, but with no restrictions as to the ultimate disposal of the property. Accordingly, the three ladies, in course of time, began to look round them for one to whom the estates might be left in succession to themselves. They were resolved to perpetuate the name of Haig in connection with the property; and therefore, in 1866, they executed a joint-disposition by which they conveyed the whole estate and lands of Bemersyde, as also the property of Villa Haig, in succession to the one of them last

surviving, to Lieutenant-Colonel Arthur Balfour Haig, the present proprietor, as one of the descendants of Robert, second son of James Haig, the seventeenth Laird of Bemersyde. This gentleman, therefore, upon the death of Miss Sophia Haig in 1878, succeeded to the estates as the twenty-eighth lord of the ancient barony.

Thus the collateral branch of the Bemersyde family, known as the CLACKMANNANSHIRE HAIGS, was introduced to the succession. This branch originated, as detailed in the Seventh Chapter of this work, about 1627, with the settlement of Robert Haig, above mentioned, at St Ninians, in Stirlingshire, from which the family spread into Clackmannanshire, where they became a very numerous and prosperous sept—hence the name given to this branch.

This Robert Haig, as was largely the case with the younger sons of the gentry in those days, devoted himself to agricultural pursuits, much as Robert Scott of Sandyknowe, the grandfather of Sir Walter Scott, and descendant of the house of Harden, did a century later. Robert Scott's birth, says his grandson, "being admitted as *gentle*, gave him access to the best society in the county," though otherwise only occupying the place of a farmer. And a like consideration seems to have been bestowed upon Robert Haig of St Ninians and his family; for on the occasion of one of his son's children being baptised, we find the exceptional circumstance of the names of the Laird of Tullibody and George Abercrombie entered in the register as witnesses. The son here referred to,

John Haig, was tenant of the Orchard Farm, on the Tullibody estate, in Clackmannanshire, which farm he and his immediate successors occupied for four generations—from the period of the Restoration till after the battle of Waterloo. John Haig was twice married, and had in all eighteen children; his eldest son, George, occupying the neighbouring holding of Newbigging, where he also married and had eleven children. In this manner numerous branches were sent out from the original stem, till in a comparatively short time the cognomen of Haig became one of the characteristic names of the district. But there is little in their history which it is necessary to relate in detail, their connections being fully particularised in the Genealogical section of this work.

Colonel Haig, the present representative of the Bemersyde family, is the sixth son of Robert Haig, third son of John Haig of Bonnington, fifth in descent from Robert Haig of St Ninians. He was born in 1840, and educated at Rugby, and the Royal Military Academy, Woolwich. In 1859 he

passed out of the latter, and received his commission in the Royal Engineers, from which he retired in 1881 with the rank of

XXVIII. AR-  
THUR BAL-  
FOUR HAIG,  
1878.

Lieutenant-Colonel. In March 1864, the Queen appointed him Equerry to Prince Alfred, who himself in the following year, when his Royal Highness reached his majority and obtained his peerage as Duke of Edinburgh, confirmed the appointment. This office Colonel Haig has since continued to hold, having accompanied his Royal Highness in his double tour round the world, including his visits

to the South African and Australian colonies, and to the courts of China and Japan. In this capacity it has twice been the lot of Colonel Haig to be present when attacks were made on the lives of royal personages. He was at Clontarf in 1868, when O'Farrell the assassin shot the Duke of Edinburgh with a revolver, inflicting a wound from which his Royal Highness very narrowly escaped death. On the second occasion he was in attendance upon the Duchess of Edinburgh at the Winter Palace in St Petersburg, in 1880, when the diabolical attempt was made to blow up the Czar. In 1878 the Queen conferred upon him the Companionship of the Most Distinguished Order of St Michael and St George; in which year also, as above stated, he succeeded to the Bemersyde property. In 1874, he married the Hon. Frances Charlotte, only daughter of George Francis third Lord Harris, when his Royal Highness the Duke of Edinburgh honoured the ceremony by his presence. By his marriage Colonel Haig has three children—a son and two daughters.

Thus, by the accession of Colonel Haig to the Bemersyde estates, and the consequent restoration of the elder branch set aside by William Haig in 1636, a new lease of life has been given to the ancient house, and fresh confirmation to the prophecy which is linked with its existence.

## CHAPTER XIV.

## SOME ILLUSTRATIONS OF BYGONE BORDER LIFE.

The development of Border life—The materials for social and domestic history—The condition of the Borders in the twelfth and thirteenth centuries—The *nativi*, or serfs: their liberation—The husbandmen and cottagers: their political and social condition—Effect of the reforms of David I.—Evil results of the War of Independence—Its effect upon the Border inhabitants—Origin and development of the wild spirit—Results of the Union of 1603—Attitude of the Borderers towards the law—Their respect for heritable rights—Disregard of the law in moveables—Nature of land tenure and land cultivation before the Union of 1603—The same after the Union—Division of land into outfield and infield—Their respective uses—Rent of land—Price of labour—Houses and roads—Effects of the Union of 1707—Habits and manners of the people—Education and religion—Border gentry in the eighteenth century—The poetry and tradition of the Borders.

HAVING completed our record of the personal fortunes of the Bemersyde family, it may not be without interest to revert for a little to the scenes with which we have thus become familiar, in order to obtain a more connected view of some of those historic phenomena which gave to Border life in the past its peculiar development and character.

To many minds, the social and domestic habits of our ancestors present more instructive topics for reflection than the story of their battles, their feuds, their personal adventures. We wish to know some-

thing of the inner structure of society; of the kind of institutions which knit the social fabric together; in what relation the landlord stood to his tenant, and the tenant to his landlord; what rents the one paid and the other received; what wages the employer of labour was willing to give, and the workman contented to accept. We also wish to know how the people lived from day to day; what were their morals, their habits, their amusements; how they were clothed and housed, fed and educated; and how far the life of the present has been moulded and coloured, advanced or retarded, by the life of the past.

To arrive at anything like an adequate conception of these correlated phases of social existence, a kind of information is mainly required which our older historians did not think it consistent with the dignity of their craft to place on record; hence, those who wish to obtain such knowledge must seek for it in the gossiping and not always accurate pages of travellers and diarists. But the gradual opening up of the private repositories of our older historic families is calculated to change all this, and to supply us with an increasing quantity of the materials necessary for an adequate reconstruction of the life of the past. Even with these helps, it is impossible to see minutely into the structure of successive states of society which have long ago become extinct. The growth of history resembles that of the coral islands in the Pacific. It is only near the surface, amid the fluctuating waves of the upper current of events, that life exists: deep down, only its relics remain: and though the adventurous diver may bring up from



these hidden recesses ever so many beautiful fragments of what has been, it will be found that they are but dead matter, that the life has long since been washed out, and all but its traces obliterated. Yet, in the domain of historical as of natural science, these fragments have their value and use, for out of them may still be extracted some trustworthy knowledge of economies that are forgotten, and of forms and habits of life that have passed away.

In the Third Chapter of this work we had occasion to see something of the social condition of the Borders in the twelfth and thirteenth centuries. At that time we found a comparatively high state of civilisation and industry existing, the nobles and inferior barons being powerful rather than rich, and the common people enjoying a degree of comfort to which many of the same class in our own day are necessarily strangers. From this description should perhaps be excepted the lowest class of all—the *nativi*, or serfs—these being in a state of the most complete thralldom. Whether these bondsmen were the residue of the ancient Britons—the descendants of the conquered aboriginal tribes—is a question that cannot, probably, be now determined; at all events, they were, at the period referred to, regarded by their owners as simply so many chattels, of little more account than the oxen they ploughed with or the flocks they tended, and were also, like them, frequently made the subject of sale and barter. But towards the middle of the thirteenth century, there are indications that a process of redemption had been begun, by which they and their families, after

a certain term of service, acquired their freedom; and this process of manumission was probably due in no small degree to the beneficent influence and example of the Church of that period. It is also worthy of remark that these natives, though without the rights of freemen, do not appear to have been much, if anything, inferior in character and intellect to the class of the free population immediately above them; for a bondsman liberated by the Prior of Coldingham afterwards attained to the dignity of an alderman or bailie of the town of Berwick. With the outbreak of the War of Independence, these serfs, as a class, begin to disappear: this being perhaps the solitary immediate advantage that accrued to Scotland from a conflict which necessitated every man's services being utilised to oppose the greatly superior power of England; for the natives thus drafted off to follow their masters in the war, may have received their liberty as the price of their service.<sup>1</sup>

Previous to this time, it was to the freemen—the husbandmen and cottagers—that the baron looked for the protection of his property and the cultivation of his lands; and the liberal and far-seeing policy of David I., in setting the example to his nobles of placing large tracts of territory under the control of the Church, was the means of greatly elevating and refining this class. Perhaps the one unfavourable

<sup>1</sup> It is curious to note in this connection, that four hundred years after this abolition of serfdom, a leading Scotch statesman, Andrew Fletcher of Saltoun, was so absolutely blind to the social and individual degradation that must always accompany any condition of things which strikes at personal freedom, as actually to write and publish pamphlets in which he advocated a return to the obsolete system of slavery in the management of estates in Scotland.

distinction between the social condition of the humbler classes then, and that of the corresponding classes now, is the circumstance that among the former there was an entire absence of what with us is known as personal independence—they being, in regard to both the necessities and amenities of life, in absolute dependence upon their feudal superiors. It may be doubted, however, if at that time this want was a felt one; as the people had not yet reached that stage of civil freedom at which is evolved the sense of personal responsibility in the competition of life that forms the basis of our ideas of independence. They acted less as individuals, than as an aggregation of such. It was not so much the personal good that was looked to, as the good of the community. Hence, a state of things that would be galling in the extreme to their descendants of the nineteenth century, was with them the best possible means of attaining what is the true end of all social organisation—the greatest good of the greatest number. This was achieved in their case by a process the reverse of that which modern experience favours. *They* fixed the units into composite masses, which the sovereign and his aristocracy disposed as they deemed best for the building up of the social fabric; *we*, on the contrary, liberate the units, and leave them free, within certain reasonable limits, to find their own affinities.

The national reforms begun by David I., and continued under his immediate successors, were chiefly directed towards the social and moral elevation of the people; and that this end was gained is obvious from the fact that at this time there was an entire

absence among the Scotch of any such attempts to resist or restrain the royal prerogative as were characteristic of the relations of the English sovereigns and people during the same period. Had the system of administration in Scotland been less marked by moderation and wisdom than happily it was—had the people suffered from the same tyranny and oppression which in England irritated the aristocracy to the point of rebellion, and resulted in the power of the Crown being subjected to certain definite limitations—it is not unlikely that, in the northern kingdom, similar antagonisms would have been evoked. There did come a time when the Scottish kings and their nobles were brought into collision; but this was not till after the reign of Bruce, and at no period did it assume the character of a *constitutional* strife, in the English sense of the term, but was rather the result of personal jars in the working of the feudal system, which system may be said to have prevailed in Scotland till at least the Union of the Crowns in 1603. But from the time of David I. till the death of Alexander III., no such antagonisms are found to exist. This was indeed the golden age in the mediæval history of Scotland; and the material and moral strength which the people had leisure to acquire during this period of internal rest and prosperity, must have contributed in no slight degree to the success with which they resisted and drove back the English aggression between 1296 and 1314, the year of the battle of Bannockburn.

But while the close of the War of Independence found the Scots still in possession of their national

honour and national freedom, it could not restore to them the social order and morality which had previously existed. That war had inundated the country like a tempestuous sea, now advancing, now receding, sweeping away in every direction the old landmarks of civilisation and prosperity, and leaving behind it, as the fierce tide retired, one red wilderness of ruin and disorder. The Border country, as a consequence of its position, had suffered most—hundreds of its castles and villages being reduced to ruins, its churches sacked and their shrines desecrated. But the material destruction was the least part of it. The people, during these years, had acquired the fatal taste for blood—had become infected with a love of feuds and armed reprisals which three centuries of strife and contention between the two nations were scarcely sufficient to exhaust. The orderly instincts which had been fostered in the people previous to the outbreak of the war, were all but eradicated; and in their place was found a rank growth of anarchy and discontent, stimulated by passion, and avenging itself in bloodshed.

From this time the Borders became the scene of ever-recurring disorder, and the source of perpetual anxiety to those responsible for the public peace. From the end of the thirteenth to the beginning of the seventeenth century, the wild spirit of the population had all but unbounded scope and encouragement, even their own sovereigns not being at all times secure from the ostentatious pride and almost king-like power of their turbulent and ambitious chiefs. From time to time Authority in the shape of the royal army made a descent into their midst,

and executed sudden vengeance upon a few of the more audacious spirits that fell into its hands; but the effect of such checks was only temporary, and the moss-troopers who beheld their chief hung over his own gate at night, might be found plundering the last of the baggage-wains as the army moved off in the morning.

With the Union of 1603, it might have been expected that a period of comparative peace and prosperity would have been introduced; but this was not immediately so. Various circumstances conspired to prevent so desirable an issue. The principal was, that while the Union removed the chief excuse for the predatory warfare which had previously been incessant between the residents on the opposite sides of the frontier, it could not undo in a day the fixed habits of centuries: hence, also, the attacks and reprisals which still continued had a tendency to degenerate more than ever into quarrels of a purely personal and vindictive character. The last great raid on the part of the Government against the Borderers took place in 1608, when in one month the Earl of Dunbar, the King's Commissioner in Scotland, hung no fewer than one hundred and forty of "the nimblest and most powerful" of the thieves. Lord Chancellor Dunfermline was so sanguine as to the good effects of Dunbar's measures, that he wrote to King James assuring him that "these parts were now as lawful, as peaceful, and as quiet as any part of any civil kingdom in Christenty." But the Chancellor was deceiving himself; for not long afterwards a petition was addressed to the King by the more quietly-disposed people on the Borders, in which they com-

plained of "the shootings and carrying of hagbuts, pistols, and lances," the daily bloodshed, and the oppressions and disturbances in civil matters that everywhere prevailed, there being "no more account made of going to the horn<sup>1</sup> than to the ale-house." But in the course of the next twenty years these unruly bands were gradually weakened and dispersed; the generation that was arising not being so contaminated as its predecessors with that taint of strife and lawlessness which the violent usages of three hundred years had rendered all but hereditary in Border blood.<sup>2</sup>

Their contiguity to the English frontier, and their constant liability to invasion, could not but exercise an unsettling effect upon the inhabitants of the Scottish Border, not only in their relations to their English neighbours, but in their relations to each other. Yet it would be a mistake to go away with the idea which is sometimes erroneously advanced, that during this, the wild period of Border life, little or no respect was paid as between owner and owner to the rights of property in land—that all the obligations of feudal usage and custom were despised, that parchment titles were unknown or ignored, and that the only arbiter between man and man in such important matters was strength of arm and power of sword. Any one who studies the records of this period with adequate diligence must find that the reverse was the case. There was indeed a sense in which the Border chiefs held their lands by their swords; but this was

<sup>1</sup> *Horning* was the process in use for the enforcement of civil decrees; so called from the ancient formality of blowing a horn.

<sup>2</sup> The most suggestive sketch of this period of Border life is to be found in Scott's Introduction to the *Minstrelsy of the Scottish Border*, vol. i.

true of them only in so far as it may be said, in view of the repeated incursions of the English, to have been true of every proprietor in Scotland. On the other hand, it is a peculiarity of Border life at this time, that amidst all the disorder and strife that prevailed, a respect that is quite surprising was paid to feudal investitures and the corresponding formalities of law. Even in the case of deadly feuds between families, we have not found any instance in which lands were taken possession of by mere force of entry. This forbearance is strikingly exemplified in the well-known story of the hunting fray between the Scotts of Harden and the Scotts of Gilmanacleugh, when the sixth son of Wat of Harden was slain. The brothers of the dead man flew to arms; but the father had a deeper purpose than mere revenge in view. Securing his sons in the dungeons of his tower, he hurried to Edinburgh, stated the crime, and obtained a gift of the lands of the offenders from the Crown. Returning to Harden, he released his sons, and showed them the charter. "To horse, lads!" he cried, "and let us take possession! The lands of Gilmanacleugh are well worth a dead son."<sup>1</sup> We may be sure that Wat of Harden would not have troubled to ride so far for his charter of infestment, had it been use and custom in the Borders for the victors in a clan fight to possess themselves thereupon of the lands of the vanquished. A remarkable facility of exchange prevailed among the Borderers in the matter of cattle and other live stock; but along with this notorious disregard of law in moveables, there existed, curi-

<sup>1</sup> Scott's *Minstrelsy of the Scottish Border*, i. 93.



ously enough, a contrastingly rigid respect for heritable rights.

As to the nature of land tenure between 1300 and 1600, as it affected the husbandmen and other tenants, we have not much information beyond the facts that their holdings were small, that rents were trifling and paid chiefly in kind, and that "personal service" formed the principal consideration between the contracting parties. The insecurity of the times rendered leases, in the modern sense of the term, of little value, and it may be assumed that the cultivators were in general simply tenants-at-will. There was also a class called "kindly tenants"—that is, of the kind, kin, or family of the landlord; but this term was not confined to those of the rank of husbandmen: for, among other instances, it may be mentioned that the Pringles of Whitsome and Smailholm, as adherents of the house of Douglas, received from Archibald, third Earl of that name, and Warden of Ettrick Forest, a grant of the forest-steadings of Galashiels and Mosilee, which they continued to hold as "kindly tenants" till the forfeiture of the Douglasses in 1455. But "tacks," or leases, were not uncommon in connection with the tenants and husbandmen of the religious houses; and some specimens of these leases still exist. In 1465, for instance, the Abbot of Dryburgh gave "to a worshipful squire, William Haliburton of Mertoun, and Janet his spouse, and to the langer liver of them," a tack of the ploughland of Butchercoits, with common pasture of three hundred sheep, for the yearly sum of forty shillings, payable at the terms of Whitsunday and Martinmas in

“evenly portions.”<sup>1</sup> The Laird of Mertoun was thus not averse to cultivating, upon a lease, a portion of the Abbey lands of Dryburgh, probably as a holding for one of his younger sons. Again, in 1537, another Abbot of the same house gives to Thomas Myll, and Isobel Haig his spouse, for the space of nineteen years, a tack of two merks’ worth of land in Mertoun, “with houses, biggings, tofts, crofts, common pasture, free ish and entry, and with all and sundry other profits and commodities pertaining, or righteously sal be known to pertain, to the said twa merks’ worth of land,” the holders to pay the sum of “twa merks [£1, 6s. 8d.] usual money of Scotland, at twa terms in the year, that is to say Whitsunday and Martinmas, by equal portions, together with three *kain* fowls in the year, with all the usual service.”<sup>2</sup>

These leases partake less of the nature of merely beneficiary grants than did those of an earlier period. Yet it will be observed that both are entirely silent as to any conditions of cultivation or cropping—a circumstance which effectually indicates the utter neglect of agriculture as a science during the period in question. Nor need we wonder at this neglect, if we remember the liability of the district to hostile invasion; the cultivator having little heart to bestow excessive pains upon the rearing of crops which it was more than doubtful if he might ever reap. This danger was indeed constantly before the minds of the Borderers in all their transactions. In a deed of the year 1398, for example, Archibald M’Dowell of Makerstoun acknowledges himself and his heirs as

<sup>1</sup> *Liber de Dryburgh*, pp. 278, 279.

<sup>2</sup> *Ibid.*, pp. 280, 281.

“halden truly and firmly obliged” to pay to the Abbot of Melrose, and the Convent there, the sum of four-score and ten pounds, “to the new wark of their kirk of Melrose;” and he stipulates that he shall pay the said sum “leally and truly” within the space of two years—“gif quiet and truce be between England and Scotland as it was the day of the making of the present obligation.” “But,” he is careful to add, “in case, as God forbid, common war, with raising of banners, be betwixt the kingriks of Scotland and England within the times of the twa foresaid years, they, the foresaid Abbot and Convent, has granted graciously the third year to make these payments.” This agreement, M'Dowell, under a bond upon his property, engages at the end of the third year to implement, “leally and truly, forouten ony manner of langer delay.”<sup>1</sup> A high rate of social advancement could hardly be expected of a community that had for three centuries to exist face to face with such contingencies.

As the old *reiving* spirit began to die out among the Borderers after the Union of 1603, the attention of the landowners would in all probability have been directed to the improvement of their lands, but for one fatal circumstance. This was, that the country could get no rest. No sooner was Charles I. on the throne than he adopted a blind and wicked policy, which kept the people in a state of intermittent turmoil and discontent, culminating in the reigns of his two immediate successors in a cruel and unnecessary religious persecution, in which the lives of hundreds of the best of their subjects were wantonly and

<sup>1</sup> *Liber de Melrose*, ii. 488-90.

criminally sacrificed. The advantages which might have been expected to accrue to the inhabitants of Scotland by the Union were thus in a great measure lost—were worse than lost; for not only was the community deprived of the rest that was necessary for the recuperation of its exhausted energies and the development of its agricultural resources, but there was superadded a system of burdensome and excessive taxation, which reduced the nobility and gentry to a condition little removed from that of utter indigence.<sup>1</sup> As a consequence, little actual progress is discoverable in their agricultural methods down to the time of the Revolution of 1688. Their systems of field culture were as poor and antiquated as ever. They still used the great lumbering wooden plough, drawn by from six to a dozen oxen; their croppage was almost identical with that which had existed for the previous three hundred years; their fields were undrained, unfenced, and not half manured; and thousands of acres of valuable land were in the same condition of waste and sterility as when Protector Somerset, a century and a half before, marched across them with his devastating army.

But for this state of public disquiet and unrest, the people would have made progress in agricultural matters, for we find that otherwise they were strongly animated with a spirit of improvement. In the period between the Restoration and the Revolution, a great advance had been made by the nobility and gentry in respect to their houses; their old fortified towers—now useless as against new methods of warfare, and inadequate to their higher conceptions of

<sup>1</sup> *Ante*, pp. 239, 240, 299-301.

domestic decency and comfort—gradually giving place to buildings of a more spacious and commodious character. They were also laying out gardens and orchards—the culture of fruit being popular and evidently profitable; and the woods which had died out or been destroyed, were being replanted and restored. Within their own limits the cultivators of the soil were likewise fairly successful; and the fact that, during the fifty years of Anthony Haig's possession of Bemersyde after the Restoration, the vicarage teinds and rents of his tenants are found, by reference to his books, to have been paid with reasonable punctuality and with few arrears, is a proof of the industry and comparative prosperity of the agricultural classes in those times. But notwithstanding these indications of social activity within the old lines, the conditions of land tenure and land culture remained much the same as during the fifteenth and sixteenth centuries. This is evident from a "tack" granted by Anthony Haig in 1690. The tenant was to hold the farm for four years, paying therefor yearly "the third sheaves and teind of the haill corns that shall happen to grow on the said lands," and of grass-mail £16 Scots, with "ane dozen of poultry, half hens and half capons, and ane half-dozen of roasting chickens yearly." The Laird binds himself "to make the houses sufficient" at the entry of the tenant, "wind-ticht and water-ticht;" and thereafter the latter engages to keep them in good repair at his own expense, and "to leave the houses in as good case and condition at his removal as at his entry." But nothing is said as to fencing and draining, or the kind of

crops that should be grown—nothing, indeed, to indicate that either of the parties to the contract thought it necessary to make any change upon the mode of culture which his grandfather or great-grandfather had practised before him.

The system of culture then in vogue, and which continued down to the middle of the eighteenth century, was very primitive. The land was divided into two principal portions, the *outfield* and *infield*. The outfield was chiefly used as pasture-ground, and was the least valuable of the soil, some of it letting as low as 1½d. per acre. Occasionally a portion of this was broken up and sown with oats; but, as a rule, it was left from year to year to the capricious tendance of mother nature. A sheep's pasture was valued at 8d., and an ox's or cow's at 1s. 8d. The infield was the best or arable portion of the lands, and was generally let for about 5s. an acre, rising to 10s. by the middle of last century. It was not cultivated so as to produce to the best advantage. No manures were applied except such as the farm-steadings produced; although there existed a curious custom, as old as the time of Virgil, of treating the seed-corn, before it was sown, to a process of medication.<sup>1</sup> The crops were mainly oats, barley, and rye, a strip or two of flax, and, on the better classes of land, a little wheat. After a series of crops had been taken off, portions of the ground were allowed to lie idle for a year or so, under a dense growth of weeds; and this was called *fallow*. Much good ground was also lost by the custom of leaving an unploughed stripe between every five or six ridges,

<sup>1</sup> *Georgics*, I. 193-5.—See Appendix No. XVI.

to mark the boundaries between the different small tenancies. The ploughs were drawn by oxen, and latterly by oxen and horses combined; and as turnips and other esculent roots were not then known, the stock had to subsist during the winter months upon a little meadow hay; hence, being thus poorly fed, they were very unfit at spring-time for the work of the field. A few of the cottagers generally combined to keep a plough among them, and by uniting their cows thereto, managed in rotation to turn over their little plots. The latter class had no definite time for beginning the tillage, and this was late rather than soon. "It's not too late," it was said, "when the leaves of the ash cover the pyot's<sup>1</sup> nest." This meant about the middle of June.

The houses of the farmers and cottars of the time are described as simply "huddles of wood, straw, and clay." The dwellings of the smaller heritors and portioners were little superior to those of the farmer. Even the manses of the clergy were of the poorest and meanest description, portions of them being simply of *cat-and-clay* construction—that is, of turf and clay, held together with bands of straw, as in the huts of the cottars; and their principal apartments were deeply *coom-ceiled*—that is, had partially-sloped ceilings like those of a garret. The houses of the farmers and cottars were not only erected by the landlord, but furnished at his expense—the cottars paying a small rent in the shape of *kain* fowls for the use of the few articles which constituted their household furniture. It was not till the latter half of the eighteenth century that any decided

<sup>1</sup> Sc. *pyot*, the magpie.

improvement was effected on this state of things; and even then, the tenants were so averse to change, that many of the proprietors were obliged to take the land for a few years into their own hands, in order to get the requisite improvements carried out. While the money value of land was trifling, wages were equally low. A married ploughman received, in addition to his hut and plot of ground, meal, etc., from £3 to £4 a-year; the labourers were known as *groat-men*, from their wages being a *groat*—that is, 4d. a-day, rising to 5d. or 6d. in harvest-time; and women were paid with 2d. and 3d. a-day, increasing in harvest-time to 4d. Domestic servants received from £1 to £2 a-year, and a pair of shoes. Thus, among all classes, money was but sparingly circulated; but we are not to infer from this that their condition was correspondingly poor and mean, for each family was in general able to produce most of what it required in the way of food and clothing, whereby coin was less required, and its absence less felt, than now.

After the Union of 1707, an extensive trade in cattle with England was begun, and gave a great impetus to agricultural progress in the south of Scotland. Fields previous to this time were rarely enclosed; but the large stocks of cattle which the farmers now found it profitable to keep, necessitated the erection of fences—that form of fence known as “hedge and ditch” being chiefly adopted, and relics of which are still to be found on almost every estate. But the introduction of root-crops—turnips and potatoes—about the middle of the century, was the chief factor in the subsequent reforms:



as these esculents enabled farmers to keep their cattle throughout the winter, instead of killing most of them at the end of autumn, as had formerly been the rule. The improvements also which took place about the same time in farming implements and machinery, as well as in the modes of culture—especially in the rotation of crops, the application of marl and lime to the soil, the strengthening of the holdings by combining separate small farms into larger ones, the draining and enclosing of the lands, with the making of roads and the extended use of vehicles—all assisted, before the end of the eighteenth century, in laying the foundation of that splendid system of agriculture which has transformed into fertile fields hundreds of square miles of Border territory that were formerly sterile wastes, and has given to Border farming a character for thoroughness and efficiency which is not excelled in any other district of Scotland.<sup>1</sup>

The gradual advance in agriculture which we have noted, was naturally accompanied by progress in all

<sup>1</sup> For fifty years after the Revolution, the roads were mostly “unmade”—that is, they were simply tracks across country, mostly traversable only on foot or horseback, and quite impassable to vehicles. Hence it was impossible for farmers to take advantage of distant markets for the disposal of their produce. When grain or meal was sent from the Borders to the market at Dalkeith or to the port of Leith, it was by slinging a couple of bags over a horse’s back—a mode both toilsome and expensive, as the journey thither and back took from three to five days, and could only be accomplished in good weather. In winter, when the roads were blocked with snow, farmers had frequently the utmost difficulty in realising their crops in order to pay their Candlemas rents. In the latter half of the eighteenth century, a great advance was thought to have been made when a cart with two horses carrying five loads of meal could perform two journeys between the Merse and Dalkeith in a week, the vehicles returning laden with coal or lime. And first when carts were so employed, it was customary for the drivers to carry a spade along with them, for the purpose of filling up the abounding ruts, otherwise passage in many places would have been impossible.

other departments of social and domestic life. The Borderers of old were necessarily a rude, as they were also a poor, people—being made and kept so by those peculiarities of their position as which we have already glanced. Their chiefs lived in a kind of rude splendour, pluming themselves upon the largeness of their retinue, the number of their horses and hounds, and the personal prowess of themselves and their followers. An English gentleman who visited the Borders towards the close of the sixteenth century, being sent thither by the Governor of Berwick “about Bordering affairs,” has left a record of his impressions of what he then saw and heard. He notes that the gentlemen reckoned their revenue not by money, but by “chaldrons of victuals,” that they kept large companies of followers and their families, “and so consumed their revenue of victuals living in some want of money.” Their food consisted of “corn and roots,” red colewort and cabbage with but little fresh meat. They also, as he puts it, “eaten many hearth-cakes of oats, but in cities have also wheaten bread.” They drank “pure wines, but with negligence as the English, but they had not our vintners’ fraud to mix their wines.” Their usual drink was ale “which will distemper a stranger’s body.” Their bedsteads were “like cupboards in the wall, with doors to be opened and shut at pleasure, and so we climbed up to our beds. They used but one sheet, open at the sides and top, but close at the feet, and so doubled.” “When their guests retired to bed, it was their custom to present them with a sleeping cup of wine at parting.” In his opinion, drink was

<sup>1</sup> *An Itinerary*, written by Fynes Moryson, Gent. (London, 1617.)

largely consumed by the country people and merchants, but by the gentry more sparingly; and among all classes healths were drunk to excess. In the gentlemen's houses a great show of plenty in food and drink prevailed. "Myself," says he, "was at a knight's house, who had many servants to attend him, that brought in his meat with their heads covered with blue caps, the table being more than furnished with great platters of porridge, each having a little piece of sodden meat. And when the table was served, the servants did sit down with us; but the upper mess, instead of porridge, had a pullet, with some prunes in the broth." But he observed "no art of cookery, or furniture of household stuff, but rather rude neglect of both;" though himself and his companions, on account of their mission, "were entertained after the best manner."

But notwithstanding the gentleman's opinion that he was being entertained by his Border hosts "after their best manner," it is open to conjecture that the knight in question thought it not wise to make too great a display of portable riches before his English guests, whose countrymen not unfrequently visited the Borders on much less friendly errands than the present. There is also reason to believe that the Border chiefs were not quite so deficient in "furniture of household stuff" as our traveller thought them. In 1568, for instance, when the Elliots, Armstrongs, and other Border clans sacked and burned ~~the~~ the house of Pringle of Torwoodlee, they are charged by the authorities with taking away, besides seventeen horses out of the stables, the sum of "one thousand pounds in gold and money;"

three pieces of silver plate, each weighing "fourscore ounces of silver or thereby;" two dozen silver spoons, "ilk spoon weighing twa ounces of silver;" together with bedding, napery, clothing, etc., to the value of five thousand merks.<sup>1</sup> The Pringles were doubtless at this time a powerful clan; but there were other clans at least quite as powerful, the households of whose chiefs can scarcely be presumed not to have been equally well furnished.

A later traveller—Ray the naturalist, who visited Scotland about 1661<sup>2</sup>—gives similar particulars to those we have quoted. The common people of both sexes were clad in home-spun cloth, and only the richer classes could afford occasional articles of attire of foreign manufacture. The men of the poorer sort, he says, wore blue bonnets, and some russet; the women only white linen, "which hangs down their backs as if a napkin were pinned about them." He thought the women "none of the handsomest," and neither cleanly in their houses nor expert at cookery. Even in the best houses, the windows were not wholly glazed, but the upper part only, the lower having two wooden shutters, or lattices, "to open at pleasure and admit fresh air." A third traveller from the South visited the district about sixty years later,<sup>3</sup> and from his descriptions it is obvious that little change had in the interval been effected in the manners and habits of the people. Like Ray, he did not think the common people so handsome as the English; but he greatly

<sup>1</sup> Pitcairn's *Criminal Trials*, ii. 520, 521.

<sup>2</sup> *Itinerary* of John Ray, Naturalist.

<sup>3</sup> *A Journey through Scotland*, by John Macky.

admired the higher classes, "the ladies in particular." "The young ladies," he adds, "are all bred good housewives; and the servant-maids are always kept at some work here. The spinning-wheels, both for woollen and linen, are always going in most houses; and a gentleman of good estate is not ashamed to wear a suit of clothes of his lady's and servants' spinning." But both travellers, while finding fault with many of the habits of the common people, are equally impressed with the high standard of education that prevailed, as also with their generally good morals, and the reverence and punctuality with which their religious ordinances were observed. Ray thought the men lazy, and remarks that they were frequently to be seen "ploughing in their cloaks;" but, he adds, they were all well dressed on Sundays, and "a fellow that hath scarce two groats besides to help himself with, you shall see him [on that day] come out of his smoky cottage clad like a gentleman."

It was, indeed, the character of the educational and religious institutions from the time of the Reformation to that of the Revolution which formed the sublimating element in the everyday life of the Scottish Borderer, gradually purifying it from the turbulence and violence by which it had formerly been distinguished. From the middle of the seventeenth century, at least, there were few who could not write, and fewer still unable to read. With the one exception of the blacksmith's contract of 1646,<sup>1</sup> we have not found a single document of that century among the Bemersyde papers in which the sub-

<sup>1</sup> *Ante*, pp. 233, 234.

scribers, whether lairds, farmers, or cottars, were unable to sign with their own hand. Moreover, the correspondence of the Bemersyde family, printed in previous chapters, is sufficient to testify to the comparatively high intelligence and culture of the Border gentry of those times. It is impossible to think that the English squires of that same period, whom Macaulay has painted for us in such dark colours, could have been capable of writing letters like those which passed between Anthony Haig and his son in 1691. And still more striking is the contrast between the character of the English clergy of those days, as the same historian has described it, and the character of their contemporaries the Scottish Presbyterian ministers. The Scottish clergy were poor; but to this very circumstance may be ascribed great part of their success: for their poverty tended to keep them at once pure in life and humble in demeanour, thus bringing them nearer to the bosoms and homes of those among whom they laboured. It might not have been difficult to find a dozen Squire Westerns among the Scottish lairds; but it may be questioned if a single Parson Trulliber could have been met with throughout the length and breadth of the land.

In the eighteenth century the character of the Border lords and lairds was less marked from that of their neighbours either to the north or south of them. They led in general a somewhat sombre and monotonous kind of life, midway between that of a nobleman and a farmer. Their days were spent in bowling, shooting, hunting, and fishing, varied by the "burning of the water" as often as a *run* of salmon appeared in the Tweed; and when the weather was

unfavourable for these amusements, in dozing over an odd volume of theology or an antiquated newspaper, relieved by an occasional round of cards till dinner was ready. After dinner, the rest of the evening was consumed in drinking—steady, serious, business-like drinking, which generally resulted on great occasions in themselves and their guests being carried to bed. “Drink-money” figures largely in the expenses attending all their transactions and gatherings; and county meetings not unfrequently ended in a duel at sword’s point—such as that at Selkirk in 1707, when Scott of Raeburn lost his life. But notwithstanding this bibulous propensity, which was the vice of the times, the Border laird was a man of much intelligence and force of character, and in the course of the century made substantial advances in the higher refinements of society.<sup>1</sup> He prided himself on his blood and his birth, yet was homely in all his relations of life, and kindly to his inferiors and domestics.<sup>2</sup> As winter approached, the family generally moved into Edinburgh—London was too far away in those days—when they ex-

<sup>1</sup> As one indication of this, we find James Haig in 1768 selling two of his riding-horses, as that year he had a chaise built for his wife, which cost him £50, “besides £2, 12s. 6d. for painting my coat of arms four times, and two crests, on the chaise.” There was also 19s. 6d. for “a velvet cap, a leather do., and a yarn wig, for Alexander Brown, my driver.”

<sup>2</sup> Numerous instances might be given from the Bemersyde papers of this kindly feeling. Between 1750 and 1780 we annually find James Haig noting so much money as given on the 31st December (Hogmanay) “as *hansel* for the children of the toun”—a fine old custom now all but extinct. Also, such entries as—“By my wife and Jamie, for musick at Wm. Brockie’s [a tenant’s] marriage, 4s. ;” “By cash given to Ann Edgar, Isaac and Willie’s keeper, as a present when she left the bairns, 3s. ;” “Present to Jock Selden for doing his duty to the oxen, 6d.”—no doubt sending Jock home for once a very proud boy. Trifling as such memoranda are, they manifest the existence of that kindly relationship between “gentle and simple,” which was long a distinguishing feature of Scottish baronial life.

changed their towers and green fields for a *land* of five or six storeys in the Canongate or High Street of the grey metropolis. Here they patronised chairmen and linkboys, frequented theatres and concerts, drums and assemblies; returning in early spring to their country-houses, to see the last of the snow-wreaths disappearing on the Cheviots, and to consult with their stewards as to next season's cropping and stock. Their life was varied by an occasional trip to London and the Continent; but for the most part they lived quietly at home, among the green hills and pleasant vales of their own loved Borderland.

Incomplete and inadequate as is this brief sketch of bygone Border life, it would be still more so did we fail to notice that element of legend and romance which has gathered round it and its people in the course of the centuries.<sup>1</sup> That old Border life is dead; but out of its ashes has sprung up a flower of everlasting bloom, shedding fragrance over the mouldering relics of the buried past. The song and story with which that past has become for ever inwoven and identified, shine on us like stars from out the darkness of receding years, yet lose none of their brightness as the distance increases. It was this light that attracted and held the enchanted eye of Scott, till his whole soul was impregnated with its effulgence, and his genius drew virtue from its touch. "It may be pertinacity," he said to Washington Irving; "but to my eye these grey hills, and

<sup>1</sup> The origin and growth of poetry and legend in the Borders has been treated with fine poetic and philosophic insight by Professor Veitch, in his work on *The History and Poetry of the Scottish Border*, as also in his poem, *The Tweed*.



all this wild Border country, have beauties peculiar to themselves; and if I did not see the heather at least once a-year, I think I should die."

Irving was struck by the depth and earnestness of Scott's tone, as he vindicated the beauty and the glory of these old grey hills. Nor did the sympathetic American fail to observe wherein consisted this glory and this beauty to the eye of Scott. It was not in the mere congregation of dun heights around him; nor was it alone in the broad Tweed that swept along the valley. The line of the Ettrick was but a gloomy cleft in the breast of the far-off western ridge; and even the classic Yarrow was nothing more to his external vision than it had been to Wordsworth in his mocking mood—

A river bare,  
That runs the dark hills under.

The charm, the glory, the delight that were present to the mind of Scott in the sweep and swell of the broad Borderland, had their roots deep down in the soul of the man himself. He loved its hills and dales, its woods and rivers, as perhaps no other man has ever done; for to none other did the associations of a partly real and partly ideal Past so interweave and intermingle themselves with the facts of the Present. His imagination was continually bodying forth the forms of things unseen. He peopled its hills and valleys, its crumbling abbeys and blasted peels, with the half-historical, half-fictitious beings of his own creation. The traditional heroes and heroines of the soil were to him instinct with the power and presence of actual personalities, who passed before him, not dim and shadowy like Ban-

quo's voiceless ghost, but rather like the dry bones breathed on in the vision of the prophet—a stately procession of living men. He drank deep of the charmed fount of Border poetry and tradition, till his whole nature became subject to its magic spell, and every hill and glen and streamlet had, for him, its whispered reminiscence of valour, of sorrow, and of song.

And for all who can in any degree enter into Scott's spirit of romantic reverence, this beautiful Borderland will ever retain its power to glorify and to charm. There is not elsewhere in Scotland an area of equal dimensions so thickly strewn with those historical and traditional associations which are the food of the higher fancy and imagination. Nor is this pre-eminence difficult to explain. The events which most powerfully appeal to the affections and memories of mankind—and this is a somewhat melancholy reflection—are those that we find associated with the deeper tragic elements of sorrow and pain. We forget, or we do not care to remember, the particular localities where men feasted, made merry, and were glad; but if there is a rock from which a despairing lover has leapt—a pool in which some unhappy maiden has hid at once her sorrow and her shame—a spot on the dark moorland where the heather has been stained by the blood of combatants in love or war—then round these the human fancy clings with weird tenacity, and unto them will the finger of men be pointed through centuries to come.

Over all the Borderland such memories lie thickly broadcast. Not a hill but has its legend, not a

stream but has its romance. Long the battle-ground between two actively hostile nationalities, it has been contended for and fought over, time and again, till every castle and scaur and ravine has become indented, as it were, with the records of bloodshed and strife. And what has perhaps tended to heighten and intensify these associations of romantic sorrow, is the circumstance—most notable as concerning a district of which the inhabitants were at once brave by nature and warlike by habit—that, with the single exception of Ancrum Moor, the record of Border battles in the national struggle against England is the record of defeat and disaster to the Scottish arms—from the sanguinary conflict of Halidon Hill, down to that darkest of all dark fields for Scotland, the Field of Flodden. But over against these must be placed the victories achieved by the Scottish Borderers in the more prolonged and not less bloody struggles of feudal clanship, when, with the rough-riding men on both sides of the frontier, to meet was to fight, and to fight was to conquer or fall. At the head of this order of contests, in which the fierce nature of the Border clans found vent and scope, stands the glorious fray of Otterbourne, with the gallant Percy on the one side, and the dead but unconquered Douglas on the other. And tradition and song have amply embalmed and glorified these interne-cine struggles. As long as Border poetry is read, and Border memories continue to stir the heart, so long will be remembered the Fray of the Fair Dod-head, the Raid of the Redswire, and a hundred other fierce and chivalrous onsets, in which the wild and

untameable spirit of the stern warriors who fought has been immortalised by the rude but touching strains of the nameless bards who sung.

Happily, the era of Blood and Iron in the Borders has long since passed away; but the age of Poetry and Romance passes never. The castle on the crag stands tenantless and lone: the knight has ridden forth to return no more, and the bower of his lady is deserted and still. The wave of the Reformation, in its sweep across these valleys, has carried with it into undisturbed oblivion the lordly abbot and all his brotherhood of friars. The hammer has been lifted up upon the carved work, and the frail yet splendid fragments left to us of their homes and temples are the sole memorials of a departed hierarchy whose word cut sharper and deeper than the baron's sword. The cowled priest and the plumed warrior have alike disappeared; the book and bell lie mouldering with the spear and the shield. Only the minstrel and the minstrel's art remain, to repeople the waste places of the past, and to restore to us the memory of the men that are no more. The fugitive rhymes and fragmentary ballads of a bygone age have been collected and pieced together by skilful and loving hands; and the same spirit of varied inspiration which gave us *Kinmont Willie* and *The Widow's Lament*, has flung the magic folds of its mantle round such singers as Scott and Hogg and Leyden, and the world has hung entranced upon the music of their song. The wand of these magicians has been waved across the tombs and sleeping-places of departed generations, and the dead in grave shake off their slumbers, and walk with us again in the light of day.

The dark Knight of Liddesdale is no longer a thing of dust and ashes, but still rides scowling forth with lance in rest, the curse of the dead Dalhousie lying heavy on his soul. The wondrous wizard Michael Scott stirs uneasily beneath the marble in Melrose Abbey, for a stronger hand than his has come and snatched away his Book of Might. The Flower of Yarrow once more looks forth from Dryhope Tower, and the Maid of Neidpath still waits for her lover on the castle walls. Johnny Armstrong has survived his execution on the Carlin Rig, and the Outlaw Murray may still be heard marshalling his lawless following in Ettrick Forest. St Mary's Loch lies hushed and still, and St Mary's bells have long done ringing; but the brier and the rose still "meet and plait" above the hallowed graves of the hapless lovers. The bride of the dead Cockburn still sits beneath Henderland towers, sewing his shroud and "making her mane," her heart for evermore enchained in his yellow hair. Lord William and Lady Margaret may yet be seen fleeing for life by the Blackhouse heights, and "lichtin doon" by the "wan water," which the heart's blood of the lover still reddens as it flows. The apple hangs as of yore from the rock in Yarrow, and the dead maiden veils with her golden locks the pallid face of her slaughtered knight. The hardy moss-troopers again ride forth beneath "the lee light of the moon," waking the midnight echoes with their ghostly laughter. Lord Soulis glares from his castle wall in Hermitage; and the murdered pedlar, all "mishackered and ghastly," is yet moaning and groaning under Thirlestane Mill. The Baron of Smailholm, as of old, rises

by day and girds his armour on, spurring forth with sword on thigh and revenge at his heart; and ere evening-close the bloody work is done, and

The Dryburgh bells ring,  
And the white monks they sing,  
For Sir Richard of Coldinghame.

It is such mingled memories as these, standing out dim and mysterious on the tablets of tradition, that combine with the natural beauties of the district in weaving that exquisite network of fancies which takes the imagination captive. The silver Tweed flows, a charmed river through a charmed land. Every league of its course is marked by its own peculiar associations, and every tributary stream sends down its added quota of poetry and romance. The Talla, dashing over its rugged linns, brings memories of the slaughtered Covenanters to whom Dundee's dragoons gave bloody burial in the quaking depths of Talla Moss. The Manor Water, circling through scenes of sylvan beauty, tells of St Gordian and early apostleship among the wild yet beautiful hills that guard its source, and of the later mysteries which the Author of *Waverley* has woven round the Black Dwarf's name and habitation there. Lower down, the Quair "runs sweet among the flowers," its plaintive murmurs recalling the tears of Lucy, as

Doon the lang glen she gaed slow wi' her flittin',  
And fare ye weel, Lucy, was every bird's sang.

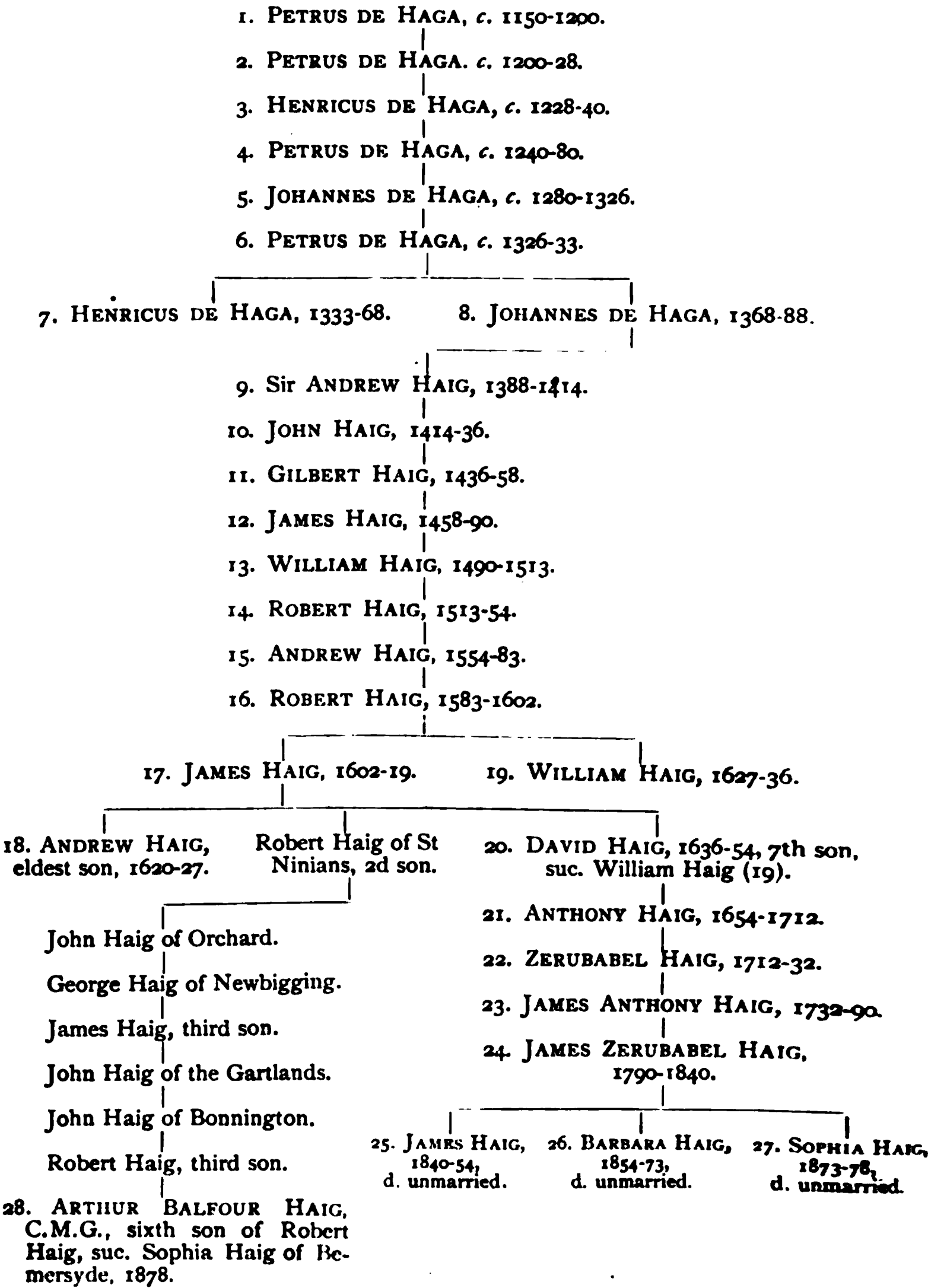
Dashing from the broad brown slopes of Windlestrae Law comes the Leithen Water, brimful of the recollections with which a master-hand has restored the faded glories of St Ronan's Well. Laden with the

burden of many a fairy tale, sung by the Shepherd who now slumbers at its source, the Ettrick sweeps down between its shingly shores, bringing with it the waters of the mournful Yarrow, and all the melancholy of its "dowie holms." Fronting the towers and turrets of Abbotsford, the Gala comes rushing from its far recesses in the hills, as if eager to make its exit from the Valley of Woe. From lonely hills that overlook Glendearg, the silver-voiced Ellwyn brattles along, filling with its limpid music the Nameless Dean, and many another nook of bosky beauty. Sweet by wooded height and pastoral holm glides down the crystal Leader, bringing eerie memories of haunted Ercildoune, and fragrance of yellow broom from Cowdenknowes. Past Dryburgh Abbey, where rests the Mighty Minstrel in his dreamless sleep, and we have the mingled waters of the Jed and the Teviot, reminding us of Branksome and Ferniehirst, of Minto Crag and Hazeldean, and of many a doughty deed of arms fought in the rough old days when Buccleuch was lord of the cairn and the scaur. The Tweed is, in truth, a lovely river in a lovely land; and few who have wandered by its silver tide, and mused in the deep shadow of its woods and glens, can fail to feel in after years the beauty and the rapture which these recollections awaken.

# FAMILY GENEALOGY



THE BEMERSYDE SUCCESSION.



THE HAIGS OF BEMERSYDE.

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I. PETRUS DE HAGA, *c.* 1150-1200<sup>1</sup> (pp. 40-46), is witness to a number of charters of the period. He married *Goda* [? daughter of Cospatric, Earl of March],<sup>2</sup> and had issue—

PETRUS, his successor.

II. PETRUS DE HAGA, *c.* 1200-28 (pp. 46-62), granted a charter of part of his Forest of Threepwood, with two oxgates of land and a house and garden in Bemersyde, to the Abbey of Dryburgh; and is witness to three other charters of the period. He married *Ada* [? daughter of Sir Henry Sinclair of Carfrae], and had issue—

1. HENRICUS, his successor.
2. [? Cospatric.]

III. HENRICUS DE HAGA, *c.* 1228-40 (p. 62). His name appears on one charter as a witness.

<sup>1</sup> These figures denote the period of proprietorship of the respective Lairds.

<sup>2</sup> Relationships given on the authority of the *Mylne, O.H.*, or *Rud. MS.*, but which, for various reasons, are considered doubtful, are placed within brackets.

He married [*? Adeliza*, daughter of Sir Anchitello de Riddell], and had issue—

PETRUS, his successor.

IV. PETRUS DE HAGA, *c.* 1240-80 (pp. 65-75), is specially noted as having granted half a stone of wax to the Abbey of Old Melrose, by a charter to which the name of “Thomas Rymor de Ercildune” is appended as a witness. He also gifted the Forest of Flatwood to the Abbey of Dryburgh. He married *Katherine* [*? daughter of Sir William de Bello Campo, or Beauchamp*],<sup>1</sup> and had issue—

1. JOHANNES, his successor.
2. [*? Anchitello, said to have married a daughter of William de Home, first of the surname.*]

V. JOHANNES DE HAGA, *c.* 1280-1326 (pp. 76-85), confirmed to the Monks of Dryburgh his father's gift of the Forest of Flatwood, and also granted two oxgates of land in Bemersyde to the Abbey of Melrose. It is to his time that is ascribed the origin of the prophecy of Thomas the Rhymer—“Tyde what may betyde,” etc. He is also witness

<sup>1</sup> Mylne states that Petrus (IV.) married—(1) Ada, daughter to Sir Walter de Oliferd, “Justiciar of Lothian;” and (2) Catherine Campbell, daughter to Sir William de Bello Campo. He also states that Petrus by his first wife had a son named Anchitello, and by his second wife three daughters, the first of whom was married to Thomas de Lossed'wyn (probably meaning thereby a descendant of Paul O'Dwyn, “a lord of Lochow in the eleventh century”), the second to Elleis of Brotherstanes, and the third to Adam de Fawness (Fauchness or Fans, in the Merse). Douglas, on the other hand, states (*Baronage*, p. 133) that the three daughters were the children of the first marriage, and that by the second marriage were born two sons, Johannes and Anchitello. The *Ruddiman MS.* differs somewhat from both. I have followed the charter of Flatwood (*ante*, p. 67), in which Petrus names Katherine as his wife.

to a charter of John, lord of Hermistoun, and his name appears on the roll of those who swore fealty to Edward I. of England at Berwick in 1296. He married [*? Ermegard*, daughter of Sir Adam de Gordon, in the Merse], and had issue—

PETRUS, his successor.

VI. PETRUS DE HAGA, *c.* 1326-33 (p. 85), was at the battle of Bannockburn, in 1314; at that of Duplin, in 1332; and was killed at that of Halidon Hill, in 1333. He married [*? Margaret*, daughter of Allan Purves of Ercildoune], and had issue—

1. HENRICUS,<sup>1</sup> his successor.
2. JOHANNES, who succeeded his brother Henry.

VII. HENRICUS DE HAGA, 1333-68 (p. 86), is witness to a charter of William de Abernethy, Knight. Dying unmarried, he was succeeded by his brother,

VIII. JOHANNES DE HAGA, 1368-88 (p. 86), who is witness to a charter of John Mautland, lord of Thirlstane, and is said to have fallen at the battle of Otterburn in 1388. He married [*? Mary*, daughter of the said John Mautland], and had issue—

1. ANDREW, his successor.
2. William.

IX. SIR ANDREW HAIG, 1388-1414 (pp. 86-87), was knighted by King Robert III., and is

<sup>1</sup> Douglas reverses this order, giving John as the eldest.

witness to a charter of David Menyheis de Weme, of date 1412. He was the first to disuse the old appellation of De Haga, and to sign his name in the modern form of Haig. His wife's name is not given. Issue—

JOHN, his successor.

X. JOHN HAIG, 1414-36 (pp. 89-99), was chiefly remarkable for a long feud which he maintained with the Abbot and Convent of Melrose, and for which he was excommunicated in 1422. He was killed at the engagement of Piperdean in 1436. Is said to have married (1) *Elizabeth*, youngest daughter of Hugh Gifford, last of the name, Lord Yester; and (2) *Elizabeth*, daughter of Mure of Rowallan. By the latter he had issue—

1. GILBERT, his successor.
2. David, mentioned in deed of excommunication.

XI. GILBERT HAIG, 1436-58 (p. 99), was excommunicated along with his father in 1422. Was present at the battle of Sark, in 1450. He married his cousin, *Barbara*, daughter of M'Dougall of Makerstoun, and had issue—

JAMES, his successor.

XII. JAMES HAIG, 1458-90 (pp. 99-104), was at the battle of Sauchieburn in 1488, where he fought on the side of King James III. On the accession of James IV. he was pardoned, but obliged to resign his estates to his son, which he did on 12th Feb-

ruary 1490. He married *Margaret*, daughter of Sir David Scott of Branxholm, and had issue—

1. WILLIAM, his successor.
2. Elizabeth, a “servatrix” in the Royal Household, who, in 1499, obtained from King James IV. a grant of the lands of Hallbank, near Dunfermline.

XIII. WILLIAM HAIG, 1490-1513 (pp. 104-105), succeeded to the estates upon his father’s resignation of the same in 1490, and fell at Flodden in 1513. He married *Isabell*, daughter of Mungo Home of Cowdenknowes, and had issue—

ROBERT, his successor.<sup>1</sup>

XIV. ROBERT HAIG, 1513-54 (pp. 105-111), was much mixed up with the political troubles of this period, and signalised himself at the battle of Ancrum Moor in 1544. Resigned his estates in favour of his eldest son in 1554. He married *Barbara*,<sup>2</sup> daughter of William Spottiswood of Spottiswood, and had issue—

1. ANDREW, his successor.
2. James, who is one of the witnesses to his father’s procuratory of resignation.
3. ? John, who received, in 1585, charter of confirmation by James VI. of a charter granted

<sup>1</sup> In the *Liber de Dryburgh* (p. 280) there is a tack of the year 1537, by James the Abbot in favour of Thomas Myll and Isobel Haig his spouse, of two merks’ worth of land in Mertoun (*see ante*, p. 409). The name of Myll’s wife might indicate that she was a daughter or granddaughter of William Haig and Isabell Home; but this is merely conjectural.

<sup>2</sup> Mylne gives this lady’s name as Rebecca; but Ruddiman and Douglas call her Barbara.

in 1566 by David, Commendator of Dryburgh, of certain properties near the Church of Lessuden, St Boswells.<sup>1</sup>

XV. ANDREW HAIG, 1554-83 (pp. 111-112), restored Bemersyde Tower after its destruction by the Earl of Hertford in 1545. He married in 1543 (1) *Susan*, daughter of David Renton of Billie, Berwickshire; (2) *Janet*, daughter of Nisbet of Nisbet; and (3) *Elizabeth*, daughter of William M'Dougall of Makerstoun.<sup>2</sup> Issue—

1. ROBERT, his successor.
2. Andrew.

XVI. ROBERT HAIG, 1583-1602 (pp. 112-116). He married, about 1565, *Margaret*, daughter of George Kerr of Faldonside, and had issue—

1. JAMES, his successor.
2. WILLIAM—(*See* No. XIX. *infra*).
3. George, died unmarried.
4. Margaret, in January 1592 married James Haliburton, son of George Haliburton of Dryburgh, and had issue—
  - (1) Margaret, b. 1593.
  - (2) Thomas, b. 1597, succeeded his

<sup>1</sup> Douglas gives this John as the son of Andrew (XV.); but from the date of the original charter (1566), he was more probably a son of Robert (XIV.)

<sup>2</sup> Mylne states that Andrew Haig married—(1) Janet, daughter to Nisbet of Nisbet; (2) Susana, daughter to Home of Renton; and (3) Marion, daughter to Cockburn of Langton. The two last are certainly inaccurate. In Carr's *History of Coldingham Priory* (p. 147), it is stated that in 1543, Andrew Haig of Bemersyde married Susan, daughter of David Renton of Billie, Berwickshire, a descendant of the ancient foresters of Coldingham. From the date here given, this was most probably Haig's first marriage, not his second, as Mylne has it. Douglas also differs from Mylne in giving as the name of the third wife, Elizabeth, daughter of M'Dougall of Makerstoun, and in this Douglas is no doubt accurate (*see ante*, p. 112).

father in the Dryburgh property, and afterwards acquired Newmains.

(3) John.

(4) James, killed in Bemersyde wood, 15th March 1651.

XVII. JAMES HAIG, 1602-19 (pp. 119-171), succeeded his father in 1602, and during his time the estates became much involved, whereupon he disposed them to his brother William in 1611. He fled the country in 1618 or 1619, and died shortly thereafter on the Continent. He married *Elizabeth*, daughter of Thomas M'Dougall of Stodrig, and had issue, ten sons—

1. ANDREW—(*See* No. XVIII. *infra*).
2. ROBERT, progenitor of the Clackmannanshire Branch of the Haigs—(*See infra*, pp. 448-56).
3. George.
4. James, an officer in the Dutch service, 1626.
5. William.
6. ———, a son.
7. DAVID—(*See* No. XX. *infra*).
8. ———, a son.
9. ———, a son.
10. Frederick, said to have gone to the East Indies in 1639.

James Haig's widow, Elizabeth M'Dougall, married, about 1631, (2) Robert Kerr of Greenhead.

XVIII. ANDREW HAIG, 1620 - 27 (pp. 171-180), received from his uncle, William Haig



(XIX.), an assignation of the estates in January 1620, and possessed them till 1627, in which year he died at Bemersyde, unmarried; whereupon his uncle William Haig resumed possession of the estates.

XIX. WILLIAM HAIG, 1627-36 (pp. 123-223), received the estates, as above stated, from his brother James in 1611, and resigned them in favour of his nephew Andrew in 1620, at whose death, in 1627, he resumed possession. He was a distinguished lawyer in his day, and held the office of King's Solicitor for Scotland in the time of James VI. and Charles I., as also that of Collector of the Taxes payable by the Burghs in Scotland to the Crown. Having become connected with the party opposed to the King in 1633, he had to flee the country, being put to the horn and denounced rebel, and died in Holland, unmarried, in 1639, having three years previously made a disposition of the Bemersyde estates in favour of his nephew David, seventh son of his brother James, who thus became his successor.

XX. DAVID HAIG, 1636-54 (pp. 221-245), spent a portion of his early life in Holland, and succeeded his uncle William, as above stated, in 1636. He married, at Groningen, in Friesland, North Holland, on 27th October of that year, *Hibernia Scholes*, widow of Anthony Gunter Prott, and niece of John Christopher Scholes, her mother being Elizabeth, daughter of Maximilian Earl of Hohenzollern. By her he had issue—

1. ANTHONY, his successor.
2. Elizabeth, born at Groningen, in 1641 ; died unmarried at Kelso, 20th March 1701.
3. Johanna, born at Groningen, 23d June 1643 ; died young.
4. William, born at Bemersyde, 28th March 1646 ; married, in London in 1673, Mary, daughter of Gavin Lawrie, merchant there, afterwards Governor of East Jersey, North America. He died in West Jersey, America, 29th July 1688, and was buried at Burlington there. By his marriage he had issue—

(1) Obadiah, compiler of a Genealogy of the Haigs of Bemersyde (herein cited as the *O. H. MS.*), born in London 1st September 1674, died at the Barbadoes, 1st June 1701. He married a daughter of John Skene, son of Bailie Skene, Laird of Newtyle, Aberdeenshire.

(2) Lawrie, born in Elizabeth Town, East Jersey, North America, 29th October 1684.

(3) Rebekah.

5. David, born at Bemersyde, 23d May 1648 ; died there, 26th February 1650.

XXI. ANTHONY HAIG, 1654 - 1712 (pp. 246-342), succeeded his father in 1654. He was born at Groningen, in Holland, 9th February 1639,

and was noted in his day as one of the sect of the Quakers, for which he suffered a long imprisonment. He died in 1712, aged 73. He married, in 1657, *Jean*, only child and heiress of James Home of Harieheugh, second son of George Home of Bas-sendean, and had issue—

1. Jacob (or James),<sup>1</sup> born at Bemersyde in 1658; died, 1665.
2. Zerubabel, born in 1660; died in infancy.
3. Hannah,<sup>1</sup> born 16th March 1661; married, 29th August 1689,<sup>2</sup> James Dickson of Belchester, to whom she bore—(1) Anthony (2) Charles, (3) William, (4) Catherine, (5) Hannah, and (6) Beattie.
4. ZERUBABEL, his successor.
5. Lazarus, born 23d April 1665; died, 29th December 1684.<sup>3</sup>
6. Emmanuel, born 19th October 1666; died, 12th April 1699.<sup>4</sup> He married, in 1696, Margaret Becket, who survived him till November 1744. By her he had one son—Isaac, born December 1697; died

<sup>1</sup> "1662, Oct. 28. James, the son, and Hannah, the daughter, to Anthonie Hague of Beemoorside, baptized. Witnesses—Thomas M'Dougal of Stodrick, and Thomas H[aliburton] of Newmains."—*Smailholm Parish Register*.

<sup>2</sup> "My daughter Hannah Haig was borne on the 16 day of the 1st month caled March, in the year 1661, and was Married to James Dickson of Belchester on the 29 of August in 1689. God blesse them both, and make their marriage a happie one."—*A. H. Book*.

<sup>3</sup> "Lazarus Haig was borne upon the 23<sup>d</sup> day of the 2<sup>d</sup> Month, in the yeare 1665: about the d: of S<sup>k</sup>: Pa: Awaye in the Ev[ening]. My dear child dyed on the 29 of December 1684, about 7 aclock at night. He was a pritie youth."—*Ibid*.

<sup>4</sup> "Emmanuel Haig was borne upon the 19 day of the 8th month, in the year 1666, about cl[ock] 3 afternoon."—*Ibid*.

at the Thrid, Bemersyde, 10th April 1773.  
He was married, but left no issue.

7. Hibernia, born 8th November 1668;<sup>1</sup> died young.
8. William, born 20th June 1670;<sup>2</sup> went out to Antigua, in the West Indies, as a merchant.
9. Joan, born 18th April 1672;<sup>3</sup> died young.

XXII. ZERUBABEL HAIG, 1712-32 (pp. 320-347), who succeeded his father in 1712, was born at Bemersyde on the 2d October 1663.<sup>4</sup> He married, in 1698, Elizabeth, daughter of Thomas Gordon, Clerk of the Justiciary, Edinburgh, of the family of Gordon of Strathearn.<sup>5</sup> He died in January 1732, aged 69. By his marriage he had issue, twelve daughters and one son—

1. Elizabeth (or Janet), born 15th March 1699;<sup>6</sup> married the Hon. James Home of Aytonhall, second son of Charles, 6th Earl of Home, and had issue—

(1) Anne, married John Ferrier of Cowdenknowes.

<sup>1</sup> "Hibernia Haig was borne upon the 8 day of November 1668, on the 1st day of the weeke, about daylight."—*A. H. Book*.

<sup>2</sup> "William Haig was borne upon the 20 day of June, about 7 of the afternoon, in 1670."—*Ibid*.

<sup>3</sup> "My daughter, Joan Haig, was borne on the 18 day of Aprill 1672, in the morning."—*Ibid*.

<sup>4</sup> "Zerrubabel Haig was borne upon the 2 day of the 8th month [October] 1663, about 1 of the C[lock] of the d[ay]."—*Ibid*.

<sup>5</sup> "To remember my sone Zerubbabell was Married on the 13 of Aprill, being Weddensday, 1698. God blesse them both."—*Ibid*.

<sup>6</sup> "His [Zerubabel's] daughter Janet was borne on the 15 day of March 1699, being Wansday, a little after 7 aclock in the morning."—*Ibid*.

- (2) Janet, married Anthony Compton of Carham Hall.
  - (3) Marion, married her cousin Alexander, 9th Earl of Home, and died in 1763, without issue.
  - (4) Jane, married, in 1778, Dr James Hunter of Mossfodd.
2. Mary, married Thomas Potts, Sheriff-clerk of Roxburghshire, and had issue — (1) James, Sheriff-clerk of Roxburghshire, who died without issue; (2) Thomas, who married, in 1777, Jane, third daughter of Robert Robertson of Prendergust, Berwickshire, and had issue.
  3. Hannah, married Fisher of Westerhousebyres.
  4. ———, a daughter.
  5. Margaret, died unmarried, 22d October 1762.
  6. ———, a daughter.
  7. Anne, married George Pringle, Earlston.
  8. Catherine.
  9. ———, a daughter.
  10. ———, a daughter.
  11. Esther.
  12. ———, a daughter.
  13. JAMES ANTHONY, his successor.

XXIII. JAMES ANTHONY HAIG, 1732-90 (pp. 346-377), was born in 1718, and succeeded his father in 1732. He married, 25th September 1757, Barbara, eldest daughter of William Robertson of Ladykirk;<sup>1</sup> and died 25th July 1790, aged 72

<sup>1</sup> "1757, Sept. 25. James Haig of Bemerside, Esquire, and Miss Barbara

years.<sup>1</sup> He was survived eight years by his widow, who died at Bemersyde, 4th November 1798, aged 77. By his marriage he had issue—

1. JAMES ZERUBABEL, his successor.
2. Isaac, died at St Helen's, Melrose, unmarried, 14th June 1835.
3. William, died in Martinique, West Indies, unmarried, 1st May 1794.

XXIV. JAMES ZERUBABEL HAIG, 1790-1840 (pp. 368-391), was born at Bemersyde in 1758, and succeeded his father in 1790. He married, 9th December 1794, Isabella, daughter of Samuel Watson, Solicitor-at-law, Edinburgh.<sup>2</sup> He died 5th April 1840, aged 82, and was survived by his widow, who died in Italy in 1846. Of this marriage, there was issue—

1. JAMES, his successor.
2. Mary, born 29th November 1796; died 5th April 1798.
3. Barbara—(*See* No. XXVI. *infra*).
4. Samuel Isaac, born 21st March 1800; died at Edinburgh 11th June 1811, aged 11 years.
5. William, born 3d November 1801; died 12th November 1809, aged 8 years.
6. Isaac, M.D., born 21st February 1804; died at Sydney, New South Wales, 29th February 1852, aged 48 years.

Robertson, daughter to William Robertson of Ladykirk, Esquire, now both in the Old Kirk Parish."—*Edinburgh Parish Register*.

<sup>1</sup> "1790, July 25. James Haig, Esq. of Bemerside, died."—*Mertoun Parish Register*.

<sup>2</sup> "1794, Dec. 9. James Haig, Esq. of Bimmerside, Old Kirk Parish, and Miss Isabella Watson, Tolbooth Kirk Parish, daughter of Mr Samuel Watson, Solicitor at Law, Edinburgh."—*Edinburgh Parish Register*.

7. Sophia—(*See* No. XXVII. *infra*).
8. Mary, born 15th November 1810; died unmarried, in Italy, 6th April 1871, aged 60 years.
9. Hugh, born 27th January 1814; died young.

XXV. JAMES HAIG, 1840-54 (pp. 391-393), was born in 1795,<sup>1</sup> and succeeded his father in 1840. He died unmarried at Bemersyde, 14th January 1854, in his 59th year, leaving the family estates to his three surviving sisters, Barbara, Sophia, and Mary, in succession.

XXVI. BARBARA HAIG, 1854-73 (pp. 393-394), was born at Bemersyde on 29th October 1798; and died unmarried at Villa Haig, Monte Parioli, Rome, 26th July 1873, in her 75th year. Miss Mary died, as above stated, in 1871; Miss Barbara was therefore succeeded by her sole surviving sister, Miss Sophia Haig.

XXVII. SOPHIA HAIG, 1873-78 (pp. 394-395), was born at Bemersyde on 10th August 1806; and died unmarried at Villa Haig, Monte Parioli, Rome, 8th November 1878, aged 72 years—the last of the line of the Haigs in direct descent from David, the twentieth lord of the barony of Bemersyde.

In 1866, and while all three sisters were alive, they made a joint-disposition by which they conveyed the whole of the estate and lands of Bemersyde, in succession to the one of them last surviving, to “their

<sup>1</sup> “1795, Oct. 4. Master and Mistress Haig of Bemerside had a son Baptized, named James.”—*Mertoun Parish Register*.

cousin," Lieutenant-Colonel ARTHUR BALFOUR HAIG, the present proprietor.

XXVIII. ARTHUR BALFOUR HAIG, C.M.G. (pp. 396-397), sixth son of Robert Haig, by his wife Magdalene Murray, is seventh in lineal descent from ROBERT HAIG of St Ninians, second son of James Haig (XVII.) of Bemersyde—(*See ante*, p. 439, and "Clackmannanshire Branch" *infra*). He was born 10th July 1840; and educated at Rugby, and the Royal Military Academy, Woolwich. Entered the Royal Engineers in 1859, and retired in 1881 as Major, with the rank of Lieutenant-Colonel. Is Equerry to his Royal Highness Prince Alfred, Duke of Edinburgh; and Companion of the Most Distinguished Order of St Michael and St George. He succeeded to the Bemersyde estates in November 1878, on the death of Sophia, last surviving sister of James Haig (XXV.) of Bemersyde. Married, in 1874, the Hon. *Frances Charlotte*, only daughter of George Francis third Lord Harris, and has issue—

1. Dorothy, born 17th January 1875.
2. GUY, born 30th November 1876.
3. Cicely, born 6th March 1880.



## CLACKMANNANSHIRE BRANCH.

(Traced in the Line of Colonel Haig of Bemersyde.)

I. ROBERT HAIG, second son of James Haig (XVII.) of Bemersyde. Left Bemersyde about 1627, and settled at Throsk, in the parish of St Ninians, Stirlingshire. Married *Jane Greig*, and had issue—

1. JOHN—(See No. II. *infra*).
2. Alexander, who lived at Throsk, married Janet Mitchell, and had issue—Alexander.
3. Robert, married Margaret Gourlay. Issue — (1) Elizabeth, b. 1663,<sup>1</sup> (2) Robert, (3) Alexander, (4) Margaret, (5) Robert.

II. JOHN HAIG, of Orchard Farm, Alloa, eldest son of Robert Haig of St Ninians. He married (1) *Isobel Ramsay*, of Alloa, 1st March 1660;<sup>2</sup> and (2) *Janet Maine*, 29th June 1683. By his first marriage he had nine children—

1. Anna, b. 1661; married, in 1681, R. Forman, and had issue.

<sup>1</sup> "Aug. 2, 1663. Elizabeth, lawful [daughter] to Robert Heg and Margaret Gourlay, was baptised. Witnesses—Robert Haig elder, Gothra Logan, Thomas Elphinstoun of Calderhall."—*Airth Parish Register*.

<sup>2</sup> "1660. John Haige in the parroch of St Ninians, and Isabel Ramsay in this parroch, were proclaimed three several Sabbaths, and nothing objected, and being married upon the first day of March, before these witnesses—Alexr. Ramsay her father, and Robt. Haige his father, and Alexander Haig his brother, Gorg Meldrum, Ja. Bruce, Gorg Foster in Airth."—*Alloa Parish Register*.

2. GEORGE—(*See* No. III. *infra*).
3. John, of Airth, b. 1665 ; married, in 1698, Janet Anderson, and had issue—Francis, b. 1700.
4. William, b. 1668 ; died young.
5. ———, b. 1670.
6. James, b. 23d January 1671 ;<sup>1</sup> succeeded his father as tenant of the Orchard ; married, in February 1699, Elizabeth, daughter of John Burn, of Easter Sheardale, Clackmannanshire, and had issue—
  - (1) Mary, b. 6th November 1699 ; married, 1718, George Thomson, Cambus, and had four daughters.
  - (2) Elizabeth, b. 1705 ; died young.
  - (3) Anna, b. 1707 ; married, 1732, William Bruce, Clackmannan, and had eight children.
  - (4) James, b. 1709 ; married, 1745, Janet Bardner, Carnock, and had nine children, of whom (1) Elizabeth, eldest daughter, married, in 1769, George Mudie, Dunfermline, and had issue ; (2) Mary, second daughter, married, in 1769, James Thomson, Tullibody, from whom descended (*a*) Janet Thomson (their granddaughter), who married Rev. Dr Anderson, Newburgh, author of various writings on Geology, whose only son is the Rev. Dr Anderson, Kinnoull, author of *Pleasures of Home*, etc. ; and (*b*) Janet Nicol (only daughter of their youngest son, George Thomson of Taybank, Newburgh), who married in 1851 David Walker Henderson, and has issue ; (3) Henry, second and eldest surviving son, succeeded his father in the Orchard Farm, and, in 1782, married Christian Guild, and had issue ; and (4)

<sup>1</sup> “ 1671, Jan. 30. [Baptised] James, [son of] John Hegge and Isobel Ramsie. Witnesses—The Laird of Tulliebodie, George Abercrombie.”—*Alloa Parish Register*.

William, youngest son, b. 1763, married, in 1790, Abigail Smith Walker, granddaughter of Thomas Walker of Saint Fort, Fifeshire, and had six children, of whom Robert, second son, b. 1795, married, in 1825, Janet M'Gowan, and had six children, of whom the youngest is William James Haig of Dollarfield, Clackmannanshire, J.P., b. 1836, married in 1863 Margaret Christian, daughter of Rev. P. Balfour, Clackmannan, and has issue—(1) Robert, b. 1865; (2) Patrick James, b. 1866; (3) John Balfour, b. 1868; (4) Mary Lilian, b. 1871; and (5) William James, b. 1873.

(5) Elizabeth, b. 1711.

(6) John, b. 1713.

(7) Catherine, b. 1716; married, 1740, Thomas Stein.

(8) George, b. 1719; married, 1743, Catherine Dow.

7. Catherine, b. 1674; married, 1698, John Meikle, and had one child.

8. Alexander, b. 1677; married, 1703, Agnes Carmichael, and had two children.

9. David, b. 1679.

By his second marriage, John Haig had other nine children—(1) Margaret, b. 1684; (2) Janet, b. 1687; (3) William, b. 1689; (4) Mary, b. 1691; (5) Edward, b. 1693; (6) Jean, b. 1695; (7) Robert, b. 1697; (8) Charles, b. 1699; (9) Helen, b. 1701.

III. GEORGE HAIG, eldest son of John Haig of the Orchard, by his first marriage, was born 27th August 1662. He resided at Newbigging, Alloa. On 22d March 1684, he married *Janet Anderson*, and had eleven children—

1. Catherine, b. 1685; married, 1703, John Paterson. Blackgrange, Logic.

2. George, b. 1686; married, 1716, Margaret Brown, Clackmannan.
3. Janet, b. 1687.
4. John, b. 1688; married, in 1711, (1) Elizabeth Nicol, and in 1715, (2) Janet Stein; by which marriages he had eleven children. From John, second son, was descended Elizabeth Greig (his granddaughter), who married Dr John Rogerson of Dumcrieff, Dumfriesshire, and whose only daughter, Elizabeth, married William, 9th Lord Rollo, of Duncrub Park and Dumcrieff. From William, third son, was descended General Sir William Morrison, Indian service, who died in 1850, and who was M.P. for the counties of Clackmannan and Kinross.
5. JAMES—(*See* No. IV. *infra*).
6. Alexander, b. 1692.
7. Isabell, b. 1695; married, 1715, John Peirson.
8. Robert, b. 1697.
9. Mary, b. 1698; married, 1716, Robert Anderson, Logie.
10. Anna, b. 1701; married, 1724, William Logan, Grange.
11. Margaret, b. 1703; married, in 1722, (1) James Buchanan, and in 1730, (2) John Thomson.

IV. JAMES HAIG, third son of George Haig of Newbigging, was born 30th March 1691. On 7th August 1718, he married *Mary Mackenzie*, and had issue—

1. George, b. 1719; married, 1752, Mary Mackenzie, and had issue.
2. JOHN—(*See* No. V. *infra*).
3. Janet, b. 1722; married, 1739, her cousin, George Peirson.
4. Mary, b. 1723; died young.
5. Robert, b. 1725; died young.
6. Cecilia, b. 1727; married, in 1748, (1) John Abercrombie, and in 1772, (2) William Morrison. She left no issue.

V. JOHN HAIG, of the Gartlands, near Alloa, second son of the foregoing, was born 9th September 1720, and died in 1773. On 11th February 1751, he married his cousin *Margaret*, eldest daughter of John Stein of Kennetpans,<sup>1</sup> Clackmannanshire, and by her had issue—

- i. James, of Blairhill, Perthshire; b. 1755; married, in 1784, Helen Higgins of Higgins Neuk, and had issue—

- (1) John—died young.
- (2) John—died unmarried.
- (3) James, married his cousin, Margaret Philp, and had issue—(1) Janet, (2) a son (died young).
- (4) Alexander, married Janet Anderson Berry—no issue.
- (5) Robert—married, but left no issue.
- (6) Janet Callender, married Captain Michael Edwin Fell.
- (7) Margaret—died unmarried.
- (8) David, of Glenogil, Forfarshire, b. 21st Feb. 1796; married, 17th March 1828, Elizabeth Price of Highfields Park, Sussex, and had issue—James Richard Haig, of Blairhill, Perthshire, and Highfields Park; b. 1831; is a J.P., and Deputy-Lieutenant of Kinross-shire; married, 8th May 1857, Jane Thomson (d. 1877), and has issue—(1) Margaret, b. 1860; (2) Alexander Price, b. 1863; (3) Jessie, b. 1867; (4) David Price, b. 1868; (5) James Richard Price, b. 1870; (6) Elizabeth, b. 1871; (7) William Price, b. 1872; (8) Mary Anne, b. 1873; (9) Katherine, b. 1875.

<sup>1</sup> This Margaret Stein's niece, Ann, youngest daughter of James Stein of Kilbagie, fourth son of the above John Stein of Kennetpans, married, in 1812, General Sir Alexander Duff, second son of the third Earl of Fife, the eldest son of which marriage was James, late Earl of Fife, and father of the present Earl.

2. JOHN—(*See* No. VI. *infra*).
3. Andrew—died unmarried.
4. Robert, of Roebuck, co. Dublin, b. 1764 ; married, in 1798, Caroline Mary, daughter of Sir W. Wolseley, Bart., of Wolseley Hall, Staffordshire, and had issue—
  - (1) John, married Jane Haig, and had issue—(1) Robert George, married Anna Hackett, and has issue ; and (2) Henry Alexander, who married Agnes C. Pollock, and has issue.
  - (2) Charlotte, married Thomas Haig, and had issue.
  - (3) William, married Harriette Dick, and left issue—(1) Percy de Haga, (2) William Spencer, (3) Herbert de Haga, Lieutenant R.E.
  - (4) Margaret Anne—died young.
  - (5) Robert—died young.
  - (6) Charles, married Mary Reeves, and had a son, Charles R., who married Kate Masters, and has issue.
  - (7) Caroline, married Rev. C. Lowe, and has issue.
  - (8) Margaret—died young.
  - (9) James, married Helen Jane Fell, and has issue, seven daughters, of whom three are married.
  - (10) Maria, married Rev. James Oldham, and has issue.
  - (11) Robert, married Matilda Oldham—no issue.
  - (12) Henry, of Churchhill, Daventry, Northamptonshire, b. 1818 ; married Annie, daughter of Edward Meyer of East Sheen, and has issue—(1) Guy Wolseley, b. 1866, d. 1867 ; (2) Neil Wolseley, b. 1868 ; also, five daughters, one of whom is married, and has issue.
  - (13) George Augustus, of Pen Ithon, Radnorshire, b. 1820 ; married, in 1848, Anne

Eliza, daughter of Capt. M. E. Fell and Janet Callender, daughter of James Haig, 1st of Blairhill, and has issue—(1) Charles Edwin, b. 1849, married, in 1871, Janet Stein, daughter of John Haig of Cameron House, and has issue—Roland Charles, b. 1873, and Rachel D. Wolseley ; (2) Alexander William ; (3) Rodolf Wolseley ; (4) Cecil Henry ; (5) Edric Wolseley ; and five daughters, of whom the eldest, Janet Augusta, married G. F. Boyd, and has issue, and the third, Rose Helen, married J. H. Thomas.

5. William, of Kincapple, b. 1771 ; married Janet Stein, and had issue—

(1) John, married Rachel, daughter of Hugh Veitch of Stewartfield, and had issue, five sons and five daughters—of whom (1) William Henry, of Broomfield, Midlothian, married Emily, daughter of the Rev. William Newman, formerly Rector of Ringrove, co. Cork, Ireland, and has issue, two daughters ; (2) Hugh Veitch, of Cameron Bridge, married Archie A. L. Fraser, widow of Major Foote Morrison of Greenfield, and has issue, two sons (Oliver and John) and two daughters ; (3) John Alicius, (4) George Ògilvie, (5) Douglas. Of the five daughters of John Haig and Rachel Veitch, the eldest, Mary Elizabeth, married Lieutenant - Colonel Deprée, R.A. ; the second, Janet Stein, married C. E. Haig ; and the fifth, Henrietta Frances, married W. G. Jameson.

- (2) Robert, married Frances Moodie, and has issue—William, married Martha, daughter of Duncan Colville, Campbeltown, and has issue.

VI. JOHN HAIG, of Bonnington, second son of John Haig of the Gartlands, was born in 1758. He married, in 1787, *Christina Jameson*, and had issue—

1. James, who married Mary St Paul, and has issue—  
(1) John, (2) Robert, (3) William, (4) George.
2. John, died unmarried.
3. ROBERT—(*See* No. VII. *infra*).
4. William, married Elizabeth Philp, and has issue—  
(1) John, and (2) Janet, married Colonel Brodie.
5. George Andrew, b. 1803, married in 1833 (1) Janet, granddaughter of James Haig, 1st of Blairhill, and in 1855 (2) Matilda, daughter of James Oldham of Bellamour, Stafford, and has issue by his first wife—Alexander, b. 1853; married Gertrude, daughter of James Haig, 4th son of Robert Haig of Roebuck, and has issue.
6. Thomas, married Charlotte, daughter of Robert Haig of Roebuck, and has issue, eight sons and three daughters—
  - (1) John, of Bray Court, Maidenhead, Berkshire; married Marian Davies, and has issue—  
(1) Thomas, (2) John Maurice (3) Herbert, (4) Robert, (5) Francis, (6) Malcolm, (7) Hugh Edwin, (8) Edward, and seven daughters.
  - (2) Robert Wolseley, Major, R.A., married Georgina Brown, and left issue.
  - (3) Charles Thomas, Lieutenant-Colonel, R.E., married Kate Walker, and has issue.
  - (4) James Felix, Lieutenant 90th Regiment, married Margaretta A. C. Cope Browne, and has issue.
  - (5) George Edward.
  - (6) Farrand, Ensign 54th Regiment.
  - (7) Henry Geoffrey.
  - (8) Frederick Montagu, married Ella Wilkinson, and has issue.



VII. ROBERT HAIG, third son of John Haig of Bonnington, b. 1796. In 1823 he married *Magdalene Murray*, and had issue—

1. John, b. 1824.
2. Murray, b. 1825; Captain in the Indian Army; died 1853.
3. Felix, b. 1827; Major-General, R.E.; married Christina Learmonth, and has issue.
4. Isabella.
5. Malcolm, b. 1830; Major-General Indian Staff Corps; married, in 1867, Magdalene Straton.
6. Emily.
7. Edwin, b. 1834; Lieutenant in the 5th Fusiliers, killed at siege of Lucknow in 1857.
8. ARTHUR BALFOUR HAIG of Bemersyde—(*See ante* p. 447.)
9. Magdalene.

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### YORKSHIRE BRANCH.

The Yorkshire Branch of the name of Haig—or Haigh, as it is there spelled—is referred to by Obadiah Haig in 1699, in a letter to his uncle Anthony Haig of Bemersyde. "The family of the Haigs in Yorkshire," he says, "have all along spelt their names as we do, till this old gentleman's father's time," who added an *h* thereto. "But," he goes on to remark, "in all their charters it's spelt without the *h*." It is, however, to be observed that the name "Hayghe" occurs in the tithe-books of the parish of Halifax, Yorkshire, at least as early as the first half of the sixteenth century.

The Haighs of Longley, in Yorkshire, claim to be connected by descent with the Haigs of Bemersyde, and they have always carried the Bemersyde arms. The present representative is George Henry Haigh of Longley and Grainsby.

# APPENDIX



# APPENDIX.

No. I. (p. 35).

## PHILOLOGY OF THE SURNAME HAIG.

IN quoting what Dr James A. H. Murray has favoured me with on this subject, it may render his remarks more intelligible to prefix the chronological list of the changes which the name underwent between 1162 and 1412, and which formed the basis of his observations. The list, as collected from the various charters of the period, is as follows :—

1162-66, .	. del Hage.	c. 1215-20, .	. de Haga.
c. 1180, .	. de Haga.	c. 1230, .	. de la Hage.
c. 1180, .	. de la Hage.	c. 1245, .	. de Haga.
c. 1185, .	. de la Hage.	c. 1262-68, .	. de Haga.
c. 1185, .	. de la Haghe.	c. 1285, .	. de Haga.
c. 1190, .	. de la Hage.	1296, .	. del Haga.*
c. 1190, .	. de la Hage.	* This from list of those who swore fealty to Edward at Berwick in 1296.	
c. 1190, .	. de la Haga.		
c. 1190, .	. de la Hage.	c. 1306, .	. de Haga.
c. 1200, .	. de la Hage.	1326, .	. de Haga.
c. 1200, .	. de la Haga.	c. 1368, .	. de Haga.
1203, .	. de Haga.	c. 1368, .	. de Haga.
c. 1206, .	. de Haga.	1412, .	. Haig.
c. 1213-14, .	. de la Haga.		

From the year 1412 the family invariably use the modern form of Haig ; though the Earl of Douglas, in 1416, in a

letter, uses the form "De Hage." From the latter date, the older forms of the name entirely disappear.

Regarding the above, and in conjunction with the theory advanced in the text as to the origin of the family being referable to the district of La Hague, in Normandy, Dr Murray writes:—

"The Middle (and modern) Scotch spelling *Haig* compared with the low Latin *Haga*, and the vernacular South Scotch pronunciation (which gives the close *ā* as in *sale*, not the open as in *sail*) enable us, by the application of strict phonological laws, to predicate an early Middle English (1200-1300) or Transition Old English (1100-1200) form *Ha-ge* (in two syllables with hard *g*). This form, which phonology deduces, actually occurs eight times between 1162-1230; and the hardness of the *g* is proved by the spelling *Hag-he* (once), as well as the form *Haig* when the final *e* had died out in the North. The modern English analogous spelling would be *Hague*; cf. the words *vague*, *plague*; in Middle Scotch, *vaig*, *plaig*; Early Middle English, *vage*, *plage*; Latin, *vaga*, *plaga*. *Ai* is the regular Scotch way of representing long *a*, arising from an earlier medial *a* before *e* final: thus *saik*, older *sa-ke*, *saim* = *sa-me*, etc.

"The Teutonic *Haga*, an enclosure, is found in Old High German, Old Low German (Old Saxon), and Old English (Anglo-Saxon). As an Old English word it still survives in the modern *haw* (*haw-thorn*, *Haw-ick* for *Haw-wick*) and *hay* (*hay-ward*, the warder of the hedges and enclosures in South England), just as the Old English *saga* lives in *saw*, *say*; *laga* in *law*, *lay*; *daga* in *daw*, *day* ("the *day* may *daw*"). Abstractly there is nothing to prevent the *de Haga* of the 12th century from being the Latinised form of the Old English *haga*, but in that case the word would probably have been remembered as a native one, and passing through the transition forms *haghe* or *haȝe*, *haȝ*, *hau*, have become by the 14th century *Haw*.

"The Teutonic (O. H. G.) *haga* was also adopted in French, probably through *Frankish*, taking by strict phonological laws its form *haye*, later *haie*, the modern French for *hedge*, and actually used to translate the name of the place which we call *The Hague* (in Dutch, 's *Gravenhage*, the count's (of Holland) court = enclosure), which the French call *La Haye*. In this form it gave a surname already found in Domesday Book—*de la Haye*, the modern surname *Hay*, which is thus *as a word* identical with *Haig*, though reaching us by a different channel. The low Latin form of this is *Haia*, *Haya*—which see *passim* in Du Cange.

"But the word also occurs in Old French, as *la Hague*, the name of a certain district in Normandy [as referred to in the text], which in low Latin takes the form *Haga*.—See also in Du Cange. Here probably it is of Old Low German origin, numerous Saxon settlements

having been formed at an early period along the channel seaboard of France. The Old Low German *haga* would regularly give Old French *hage*, *hague* (where the *u* is only an orthographic sign to harden the *g*), and low Latin *haga*. J. A. H. M."

No. II. (pp. 48, 49).

*Carta Petri de Haga super duabus bovatis terre in Bemersyd et uno mesagio et orto et pastura ad tres vaccas et viginti oves.*

OMNIBUS sancte matris etc. Petrus de Haga salutem. Noverit universitas vestra me dedisse et concessisse et hac mea carta confirmasse Deo et ecclesie beate Marie de Driburgh et canonicis ibidem Deo serventibus, pro salute dominorum meorum et mea et pro salute antecessorum et successorum meorum et pro anima Ade quondam uxoris mee et pro animabus parentum meorum et omnium fidelium defunctorum, duas bovatas terre in dominio meo de Bemersyd, scilicet Thirlestanflat et in Crosserigeflat propinquiores terre ipsorum canonicorum: Tenendas de me et heredibus meis in perpetuum unum mesuagium in villa de Bemersyd in dominio meo, scilicet quintum ad orientem in domo que fuit quondam bone memorie Gode matris mee, cum orto ad hoc assignato tali conditione quod abbas et predicti canonici ponent tantummodo unum hominem cum propria familia sua in illo mesagio et ille homo habebit tres vaccas et viginti oves in pastura cum hominibus ejusdem ville. Concessi etiam eisdem canonicis ex dono meo totam illam partem nemoris que inter ipsos canonicos et me erat in litigio scilicet Trepewod usque ad magnam viam que dividit idem nemus et Flatwod in liberam et puram et perpetuam elemosinam. Testibus etc.<sup>1</sup>

No. III. (pp. 67, 68).

*Carta Petri de Haga super nemore de Flatwode.*

OMNIBUS hoc scriptum etc. Petrus de Haga dominus de Bemersyd salutem in Domino. Noveritis me divine pietatis intuitu et pro salute anime mee et Katerine sponse mee et pro animabus omnium antecessorum et successorum meorum dedisse concessisse et hac presenti carta confirmasse Deo et ecclesie sancte Marie de Driburgh et canonicis ibidem Deo servientibus et in perpetuum servituris totam illam

<sup>1</sup> *Liber de Dryburgh*, p. 94.

partem nemoris mei de Flatwod que incipit ad crucem lapideam sitam in capite dicti nemoris descendendo per viam que vocatur Horsmangate usque ad Munkeford de Twede et de Munkeford ascendendo juxta fossam adherentem terre de Driburgh usque ad magnam viam existentem inter Flatwod et Trepewod et sic [per] totam illam viam usque ad capud de Horsmangate. Hanc autem donationem meam prenominatam dedi et concessi dictis abbati et conventui pro me et heredibus meis in liberam puram et perpetuam elemosinam cum libero introitu et exitu per totam terram meam cum cariagijs et rebus suis exceptis terris seminatis et pratis non falcatis. Quare volo et concedo pro me et heredibus meis ut dicti religiosi dictam partem nemoris teneant et possideant inperpetuum adeo libere et quiete sicut aliqui religiosi in regno Scotie aliquam elemosinam liberius et quietius tenent et possident aut tenere poterint vel possidere. Ego vero et heredes mei has meas donationes prenominatas dictis viris religiosis contra omnes homines et feminas varantizabimus et ab omni exactione seculari consuetudine et demanda acquietabimus et inperpetuum defendemus. In cujus rei testimonium presenti scripto sigillum meum apposui. Testibus etc.<sup>1</sup>

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No. IV. (pp. 68-69).

THE RHYMER CHARTER.

*Carta Petri de Haga de dimidia petra Cere.*

OMNIBUS hoc scriptum visuris uel audituris. Petrus de Haga dominus de Bemerside, salutem in domino. Noueritis vniuersi. quod cum olim conuenissem cum viris religiosis Abbate et Conuentu de Melros pro quibusdam transgressionibus eisdem per me et meos illatis. quod eisdem singulis annis ego et heredes mei decem salmone quinqu videlicet recentes. et quinque veteres in perpetuum soluerimus; Tandem iidem religiosi pietate ducti perpenderunt hoc esse in exheredationem mei et heredum meorum. mediantibus viris bonis consenciente. et concedente Johanne filio et herede meo cum dictis Abbate et Conuentu taliter conueni. scilicet quod ego et heredes mei tenemur et presenti scripto in perpetuum obligamur ipsis Abbati et Conuentui soluere singulis annis dimidiam petram Cere bone et pacabilis ad capellam sancti Cuthberti. de veteri Melros. die beati Cuthberti. in quadragesima. uel triginta denarios. sub pena triginta denariorum singulis mensibus soluendorum ad luminare dicte Capelle. quibus in solucione dicte Cere aut triginta denariorum predictorum fuerit cessatum post diem et terminum memoratos. Subiciendo me et heredes

<sup>1</sup> *Liber de Dryburgh*, p. 95.

meos Jurisdiccioni et potestati domini Episcopi sancti Andree. qui pro tempore fuerit. ut me et heredes meos per censuram ecclesiasticam qualemcumque possit compellere ad solucionem dicte Cere. aut triginta denariorum predictorum vna cum pena si committatur. Renunciando pro me et heredibus meis in hoc facto omni accioni defencioni et accepcioni. et omni legum auxilio canonici. et civilis. beneficio restitutionis in integrum. et omnibus aliis que michi et heredibus meis prodesse potuerunt in hoc facto et dictis Abbati et Conuentui obesse. quo minus solucio fieri valeat dicte cere. aut triginta denariorum predictorum. vna cum pena si committatur. In cuius rei testimonium presenti scripto sigillum meum. vna cum sigillo domini Oliueri tunc Abbatis de Driburg est appensum. Testibus domino Oliuero Abbate de Driburg domino Willelmo de Burudun. milite. Hugone de Perisbi tunc vicecomite de Rokisburg Willelmo de Hatteleye Thoma Rimor. de Ercildun. et aliis.<sup>1</sup>

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No. V. (p. 76).

*Confirmatio Johannis de Haga super nemore de Flatwod.*

OMNIBUS hoc scriptum etc. Johannes de Haga filius et heres Petri de Haga dominus de Bemersyd salutem. Noveritis me divine pietatis intuitu et pro salute anime mee et pro animabus omnium antecessorum et successorum meorum mera et spontanea voluntate concessisse et presenti scripto confirmasse Deo et ecclesie beate Marie de Driburgh et canonicis ibidem Deo servientibus et inperpetuum [servituris] donationem Petri de Haga patris mei super illa portione nemoris de Flatwod que incipit ad crucem lapideam sitam in capite dicti nemoris descendendo per viam que vocatur Horsmangate usque ad Munkeford de Twede et [de] Munkeford ascendendo juxta fossam adhaerentem terre de Driburgh usque ad magnam viam existentem inter Flatwod et Trepwod et sic [per] totam magnam viam usque ad capud de Horsmangate in liberam puram et perpetuam elemosinam. Quare volo et concedo pro me et heredibus meis ut dicti religiosi dictam partem nemoris teneant et possideant adeo libere et quiete sicut aliqui religiosi aliquam elemosinam in regno Scotie tenent vel possident aut tenere poterunt vel possidere una cum libero introitu et exitu per

<sup>1</sup> The above charter, of which a fac-simile is given in this volume, measures 8¾ by 5¾ inches, and is in fine preservation. The two seals attached thereto are, however, both imperfect. That of the grantor, Petrus de Haga, is partly decipherable. The editor of the *Liber de Melros* was unable to describe the arms on the seal; but Henry Laing, who may have seen it when it was less broken than now, says (*Scottish Seals*, i. 70) that the shield is charged with *three bars*. The legend has apparently run: [S]IGILLV[M PETRI D]E HAG[A].



totam terram meam cum cariagijs et rebus suis exceptis terris seminatis et pratis non falcatis. Ego vero Johannes et heredes mei omnem donationem patris mei prenominatam et meam contra omnes homines et feminas warantizabimus et ab omni exactione seculari consuetudine et demanda acquietabimus et inperpetuum defendemus. In cujus rei testimonium presenti scripto sigillum meum apposui. Testibus etc.<sup>1</sup>

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## No. VI. (pp. 84, 85).

*Carta Johannis de ij bovatis terre de Bemersyd.*

KARISSIMO suo et fideli Hugoni de Haydyf balliuo suo de Bemersyd, Johannes dominus eiusdem ville salutem in Domino. Quum concessi et dedi religiosis viris Abbati et Conventui de Melros duas bovates terre in tenemento meo de Bemersyd, tibi precipio per presentes quatinus terram illam quam quondam Hugo de Mertone tenuit infra tenementum predictum meum de Bemersyd de me attornatis dictorum religiosorum tradas et eosdem in possessionem corporalem inducas. In cuius rei testimonium sigillum meum presentibus apposui, Testes in saysina accepta fuerunt vocati Johannes filius Valteri vicecomes Berwyci, Rogerus de Alymer, dominus Willelmus Cambas canonicus de Dribruch, et multi alii clerici et layci. Datum anno Domini m<sup>o</sup> ccc<sup>o</sup> xxvj<sup>o</sup> die veneris proximo post festum apostolorum Petri et Pauli.<sup>2</sup>

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## No. VII. (p. 110).

## LIST OF BORDER CHIEFS WHO TOOK "ASSURANCE" OF PROTECTOR SOMERSET AT KELSO IN 1547.

*Friday, 23d September.*—This day the Lard of Cesfoorth and many oother lards and gentlemen of Tyuetdale and their marches thear, hauyng cum and communed with my Lordes grace, made vs an assuraunce (which was a frendship and as it wear a truis) for that daye till the next day at nyght.

This daye in the meane while theyr assuraunce lasted, these Lardes and gentlemen aforesayde, beyng the Chefeste in the hole marches and Tyuetdale, cam in agayn, whoom my Lords grace with wysdom and pollecie without any fightyng or bloodshed, dyd wyn then unto

<sup>1</sup> *Liber de Dryburgh*, p. 96.<sup>2</sup> *Liber de Melros*, ii. 378.

the obedience of the Kyngs maiestie: for the whyche they dyd wyllingly then also receyue an oth, whose names ensue.

<i>Lards.</i>	
The lard of Cesfoorth.	Jhon Hollyburton.
The lard of Fernyherst.	Robert Car.
The lard of Grenehed.	Robert Car of Greyden.
The lard of Hunthill.	Adam Kyrton.
The lard of Hundley.	Andrew Meyther.
The lard of Mackestone by mersyde. <sup>1</sup>	Saunders Puruose of Erleston.
The lard of Bouniedworth.	Mark Car of Litleden.
The lard of Ormeston.	George Car of Faldenside.
The lard of Mallestaynes.	Alexander Makdowell.
The lard of Warmesey.	Charles Rotherford.
The lard of Lynton.	Thomas Car of the Yere.
The lard of Egerston.	Jhon Car of Meynthorn.
The lard of Marton.	Walter Holyburton.
The lard of Mowe.	Richard Hangansyde.
The lard of Ryddell.	Andrew Car.
The lard of Beamersyde.	James Douglas of Cauers.
	James Car of Mersyngton.
	George Hoppringle.
	William Ormeston of Endmerden.
	Jhon Grymslowe.
<i>Gentlemen.</i>	
George Trombull.	

Many wear thear mo besyde, whose names also for that they remayne in regester with these, I haue thought the lesse mister<sup>2</sup> here to wryt.<sup>3</sup>

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No. VIII. (p. 168.)

THE ANCIENT PRIVILEGE OF TRIAL BY COMBAT.

THE ancient usage which permitted either the accused or the accuser in a charge of treason to appeal the question, in default of sufficient evidence, to the issue of trial by combat, has been in practice long forgotten, and is only of interest as shedding light on the safeguards suggested to men by the instinct of self-preservation in an age when

<sup>1</sup> This is incorrectly printed in Dalyell's *Fragments*, p. 87, and Scott's *Border Minstrelsy*, vol. i. p. xxv., in so far as the topographically descriptive words by *Mersyde* are printed *Bemersyde*, thus making the Laird of Bemersyde's name appear twice in the list.

<sup>2</sup> Necessity.

<sup>3</sup> Patten's *Expidicion into Scotlande*. London, 1548.

such dangerous accusations were not unfrequently made merely from malice or a desire of revenge. "It seemeth," says Coke (3d *Inst.* chap. 2), "that by the ancient Common Law one accuser or witness was not sufficient to convict any person of high treason; for in that case where is but one accuser it shall be tried before the Constable or Marshal by combat, as by many records appeareth." The court over which the Constable or Marshal presided was called the Court of Chivalry. When the Earl Marshal alone sat, it was a military court, or court of honour; when the Lord High Constable and the Marshal sat conjointly, it was also a criminal court.

"The form and manner of waging battle upon appeals," as is stated in Blackstone's *Commentaries* (b. iv.), "are much the same as upon a writ of right; only the oaths of the two combatants are vastly more striking and solemn. The appellee, when appealed of felony, pleads not guilty, and throws down his glove, and declares he will defend the same by his body; the appellant takes up the glove, and replies that he is ready to make good the appeal, body for body. And thereupon the appellee, taking the book in his right hand, and in his left the right hand of his antagonist, swears to this effect: 'Hoc audi, homo, quem per manum teneo,' etc. 'Hear this, O man, whom I hold by the hand, who callest thyself John by the name of baptism, that I, who call myself Thomas by the name of baptism, did not feloniously murder thy father, William by name, nor am any way guilty of the said felony. So help me God, and the Saints; and this I will defend against thee by my body, as this Court shall award.' To which the appellant replies, holding the Bible and his antagonist's hand in the same manner as the other: 'Hear this, O man, whom I hold by the hand, who callest thyself Thomas by the name of baptism, that thou art perjured; and therefore perjured, because that thou feloniously didst murder my father, William by name. So help me God, and the Saints; and this I will prove against thee by my body, as this Court shall award.' The battle is then to be fought with the same weapons, viz., batons, the same solemnity, and the same oaths against amulets and sorcery that are used in the civil combats; and if the appellee be so far vanquished, that he cannot or will not fight any longer, he shall be adjudged to be hanged immediately; and then, as well as if he be killed in battle, Providence is deemed to have determined in favour of the truth, and his blood shall be attainted. But if he kills the appellant, or can maintain the fight from sun-rising till the stars appear in the evening, he shall be acquitted. So also if the appellant becomes recreant, and pronounces the horrible word of *craven*, he shall lose his *liberam legem*, and become infamous; and the appellee shall recover his damages, and also be for ever quit, not only of the appeal, but of all indictments likewise for the same offence." The criminal as well as civil authority of the Court of Chivalry has long quite fallen into disuse. Shakespeare, in his *Richard the Third*, in the

quarrel between Norfolk and Hertford, has preserved a perpetual record of this chivalrous solemnity.

In 1631, fifteen years after the date of the events alluded to in our text, a similar case occurred in London between two other Scottish gentlemen, namely, Donald Mackay, first Lord Reay, and David Ramsey, a gentleman of the King's privy chamber. Ramsey accused Lord Reay of having stated that the troops raised by the Marquis of Hamilton for the Swedish service were intended to assist him in asserting his right to the Scottish crown. This treasonable charge Lord Reay denied; and as there was only the word of his accuser against him, whom he had challenged to trial by combat, he appealed the case to the High Court of Chivalry, which was specially constituted for the occasion under the Great Seal. An imposing account of the proceedings that ensued will be found in Cobbet's *State Trials* (iii. 483). The 28th of November was fixed as the date of the trial, on which day Lord Reay appeared, "ushered in by the herald, and accompanied with his sureties, Sir Pierce Crosby, Sir Walter Crosby, Sir William Forbes, Sir Robert Gordon, and Sir William Evers. He was apparelled in black velvet trimmed with silver buttons, his sword in a silver embroidered belt, and his order of a Scottish baronet about his neck, and so with reverence entered into his pew, his counsel, Dr Reeves, standing by. His behaviour (like himself, tall, swarthy, black but comely) very port-like and of staid countenance." His opponent, Ramsey, was alike ushered in by another herald, his sureties being Lord Roxburghe and Lord Abercorn; "and his deport, like himself, stern and brave, a fair, ruddy, yellow-headed bush of hair (so large, and in those days unusual, that he was called Ramsey Redhead). His apparel scarlet, overlaced with silver, the ground hardly discerned, and lined with sky-coloured plush, but unarmed, without a sword. After his reverence to the Court, he faced the appellant, who alike sterned a countenance at him." After many formalities in the way of pleading and counter-pleading, with addresses from the respective counsel, etc., which necessitated some adjournments of the trial, sentence was at length given, as follows: "The Lord Constable taking the Appeal in his hands, and folding it up, put it into the glove which the Lord Reay had cast forth in the Court for a pawn in this behalf; and held the Bill and glove in his right hand, and in his left hand the Answer and glove or pawn of David Ramsey; and then joining the Bill and Answer and the gloves, and folding them together, he, with the Earl Marshal, adjudged a duel between the parties." The duel was to be fought on the 12th April following, "between sun and sun, in the fields called Tuttlefields, in or near Westminster," in the presence of the King. The weapons which the Court assigned to the combatants were a spear, a long sword, a short sword, and a dagger, "each of them with a point." The dimensions of the weapons were to be as

follows : " A long sword, four foot and a half in length, hilt and all ; in breadth two inches. Short sword, a yard and four inches in length, hilt and all ; in breadth two inches. Pike, fifteen foot in length, head and all. Dagger, nineteen inches in length, hilt and all ; in breadth, an inch." The weapons were not to exceed these proportions, "but the parties might abate of this length and breadth if they thought fit." The date of the duel was afterwards postponed by order of the King, to the 17th of May ; but on the 12th of the latter month his Majesty intimated that he was not willing the case should go to combat, and therefore revoked his letters patent issued with that view. Ramsey and Lord Reay were, however, committed to the Tower till they found sureties to keep the peace.

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No. IX. (p. 209).

LETTERS—WILLIAM HAIG TO LORD BALMERINO.

*To the right honourable my singular good lord, my Lord Balmerino,  
These, at Barnetown.*

MY LORD,—I know that repetition of my desires exprest in my letters to your Lordship from Yarmouth, Camphire, and Amsterdam, were enough to accuse me of distrust of your lordship's either memory or good-will to me-wards. Wherefore these are only to beseech your lordship to let me know what posture that business is in, which occasioned my voyage hither ; and what issue I may expect by your lordship's means, and such others as I have written unto there, as well of the troubles I am now under, as of that business I prayed your lordship to manage with my Lord Yester.

I intend to fix about Delft before the 27th instant, and stick there till I hear from Scotland or England what I may expect. So your lordship may put all you write to me under cover to Mr John Forbes, a minister (though now silenced by order from Canterbury) of the English that are about their staple in that place, Mr Robert Bruce, or Mr Alexander Colvill, by David Junken's means ; and otherwise also will get them sent to Mr Forbes, and he will make them find me : so will William Murehead, if your lordship please write that way too. My lord, your lordship's most respecting servant,

WM. HAIG.

Croning,<sup>1</sup> 10 July 1634.<sup>2</sup>

<sup>1</sup> Groningen.

<sup>2</sup> *State Trials*, iii. p. 702.

*To the right honourable my singular good lord, my Lord Balmerino,  
These.*

MY LORD,—I send here to your lordship my Lord Jedburgh's discharge for the crop 1633, and his daughter Mary's receipt for 100*l.* with a protection for my Lord Jedburgh, to be made use of, as your lordship has occasion. His lady was speaking to me to procure her a house near New-bottle, called Bryankirk ; which cannot be, because my Lord of Lothian has lent it to his uncle Sir John Murray. But I intend to speak to Mark Cass, and try if he can spare Cockpen ; which being near coal, and out of Tiviotdale way, I think were very convenient for my Lord Jedburgh, since he suits<sup>1</sup> some house in Lothian to be free of the importunity of his Tiviotdale creditors, and other inconveniences his dwelling at Jedburgh makes him obnoxious unto.

There is also within this packet Mr Lewis his discharge of 600 marks to my Lord Jedburgh, and a note of Mr Lewis his writings, with an assignation to be subscribed by my Lord Jedburgh, for recovery of some moneys he paid for Mr John Home. I intended it for Mrs Anne's help, before your lordship and I went to Tiviotdale, and when his brother Captain Home was assisting his chief's process, and was likely to have adventured to pay that sum for Mr John, if he had found him pressed (being then in Edinburgh) by some good caption. It shall be well done to make the best use of it yet that can be.

I have also enclosed in this packet Mr Cornelius Aneslie's discharge for two hundred marks for the interest of his money preceding Whitsunday last : I was not able to pay the principal till the 7th of June, and then he refused : I hope to do it honestly at Martinmas, before which time I hope to return armed against all inconveniences that cost or power shall be able to put upon me, by evil interpreting what was well meant.

I have left to my nephew Thomas Haliburton the key of my chamber and trunks, with direction to be given to your lordship to be made use of during my absence ; whereof I shall write to your lordship the reason at more length by the first occasion. I rest, My lord, your lordship's most affectionate and respecting servant,

WILLIAM HAIG.

1 Aug. 1634.<sup>2</sup>

<sup>1</sup> Solicits, or seeks.

<sup>2</sup> *State Trials*, iii. pp. 702-3.

No. X. (p. 260).

ANTHONY HAIG'S OUTLAYS FOR HIS BROTHER WILLIAM.

*The Coumpt for the year 1661.*

		<i>lb.</i>	<i>s.</i>	<i>d.</i>
Upon the 22th of the 1st month. <sup>1</sup>	Item for ane pear of shoues, . . .	01	10	00
„ the 8th of the 2d month.	For a pear of gloves,	00	03	00
„ the 11th of the 2d month.	At Melrose Farr, <sup>2</sup> 2 els of velvett, at 15s. the ell, <sup>3</sup> is, .	01	10	00
„ the 29th of the 2d month.	To William for to bay <sup>4</sup> a hatt with,	04	04	00
„ the 21th of the 4th month.	To himselfe for to bay a pare of shoues with, . . .	01	10	00
„ the 8th of the 5th month.	To William for to bay hollen <sup>5</sup> with to make bands <sup>6</sup> of, And a pare of lather lynings, <sup>7</sup> . . .	03	00	00
„ the 25th of the 5th month.	Bought to William 6 els of lining for to be sheerts, <sup>8</sup> each ell at 8s. 6d., is, .	02	11	00
„ the 8th of the 6th month.	Item given to William himselfe for to pay for the making of a pear of stokings, . . .	00	03	04
„ the 22th of the 8th month.	To William for to bay a coome <sup>9</sup> with, To Robert Boustoune for mending of a pare of shoues, .	00	06	00
		00	03	00

<sup>1</sup> The 1st month here is March.—*See ante*, p. 257*n*. It may also be noted that the sums in this account for 1661 are in Scots money.

<sup>2</sup> *Melrose Fair*.—This was the spring fair called the Kier (or Holy) Thursday Fair, latterly corrupted to Scarce Thursday Fair. It was originally a religious festival; but on becoming a mere mart of business, fell into disuse, and has long been extinct.

<sup>3</sup> Yard.

<sup>4</sup> Buy.

<sup>5</sup> Holland linen.

<sup>6</sup> *Bands*—a kind of white neck-tie, with two hanging ends, still worn in the pulpit by Presbyterian ministers in Scotland.

<sup>7</sup> ? Leather leggings—*i.e.*, long gaiters of leather, reaching up to the knees.

<sup>8</sup> Linen for shirts.

<sup>9</sup> Comb.

Upon the 25th of the 10th month.	For ane Bonnett, And to Robert Bou- stoune for mend- ing of a pear of showes, . . . .	01 02 00
„ the 3d of the 11th month.	To William for to pay for a peare of Buets <sup>1</sup> for him- selfe, . . . .	06 02 00
„ the 29 of the 4th month.	For ashuet of sharge <sup>2</sup> cloaths bought from Charls Or- mistone, as the Coumpt doethe testifie, . . . .	11 04 08
„ the 20th of the 11th month.	Item William him- selfe toke aff from Charls Ormis- toun a suett of cloeths, with a mandell, <sup>3</sup> which I did paye upon the last of 12 month as the discharge dos testifie, . . . .	21 00 00
		<hr/> 54 11 00 <hr/>

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*The Coumpt fore the yeare 1662.*

This after mentioned Count sett doune at large as it is given upe to me by Ann Keith, in every particulare thing as it was debursed by heir for William Haig his use, from the tyme he cam to Isabell Sterling house in Edinh. for to stay, which was on the first day of the 12th Month 1661, is hear sett doune as it is given under heir hand upon the 8 day of the 8th month 1662, John Macki[n]ze, and David Falconar, writer therof, witnesses. Moreover ther is pairt of this ensewing Account debursed for him after he went from Isablle Sterlings to London, which was on the 13 day of the 2d month 1662, etc.

*Also,* This is to be Remembered, That the ensewing Accounts is all English Moneys.

<sup>1</sup> Boots.

<sup>2</sup> Suit of serge.

<sup>3</sup> *Mandill*, a mantle, or loose cassock.



Accompt of the Monie laid out for William Haig by Ann Keith,  
The which Anthony Haig hes payed.

	<i>lb.</i>	<i>s.</i>	<i>d.</i>	<i>ob.</i>
Item for 3 quarters and ane halfe of serge, .	00	03	07	½
It. 6 drop of Silke and ane halfe, . . .	00	09	00	::
It. ane nightcape, . . . . .	00	00	04	::
It. for shous, . . . . .	00	03	00	::
It. for linings, <sup>1</sup> . . . . .	00	01	00	::
It. for Candles, . . . . .	00	00	09	::
It. for paper, . . . . .	00	00	06	::
It. for making of Stokings, . . . . .	00	00	04	::
It. for cut paper, . . . . .	00	00	06	::
It. for mending his coot, <sup>2</sup> . . . . .	00	00	06	::
It. for shoues, . . . . .	00	02	06	::
It. for mending his shoues, . . . . .	00	00	06	::
It. for a westcott, . . . . .	00	01	00	::
It. for leting outt his coot, . . . . .	00	00	03	::
It. for a coul, <sup>3</sup> . . . . .	00	02	00	::
It. for Stokings, . . . . .	00	06	08	::
It. for drawares, . . . . .	00	02	09	::
It. for halfe a yeard of hollen, . . . . .	00	02	06	::
It. for a yeard of lining, . . . . .	00	01	01	½
It. for a nightcap, . . . . .	00	00	04	::
It. for a leven <sup>4</sup> weekes boord wt Isabell Sterling,	02	08	10	½
It. for a mandle, . . . . .	00	13	06	::
It. for his fraught by sea, <sup>5</sup> . . . . .	00	13	00	::
It. for gloves, . . . . .	00	01	00	::
It. for 6 nepkens, . . . . .	00	02	00	::
It. for a truncke, . . . . .	00	07	04	::
It. for making a mandle sute and furnertur, <sup>6</sup> .	00	19	00	::
Item for nedles, . . . . .	00	00	06	::
Item for seseres, . . . . .	00	00	08	::
It. for a thumble, . . . . .	00	00	03	::
It. fore a nidle caise, . . . . .	00	00	03	::
It. fore tua hatts, . . . . .	00	19	06	::
It. fore his board at London for a halfe yeare, .	05	10	00	::
It. for vacant days, <sup>7</sup> . . . . .	00	09	00	::

<sup>1</sup> Linen.

<sup>2</sup> Coat.

<sup>3</sup> *Cowl*, *i.e.*, hood. This entry is explained by reference to the original account rendered by Ann Keith to the Laird, where this item is given thus—"For my coull, 2s." That is, the hood had been a present from William to his friend Mrs Ann. In copying the account into his book, Anthony seems to have "slumped" and rearranged the items according to some fashion of his own.

<sup>4</sup> Eleven.

<sup>5</sup> In Ann Keith's account this sum of 13s. is detailed as follows: "For his fraight be sea, 10s.; for his cabing, 1s.; for his bead [bed], 1s.; for the ship's companie, 1s."

<sup>6</sup> Furnishings.

<sup>7</sup> Holidays.

It. fore a green aprrone, <sup>1</sup>	.	.	.	.	00	02	06	::
It. given to John Hope (is was to learn him the								
tylor trad),	.	.	.	.	03	00	00	::
It. fore 4 yards ½ of stufe,	.	.	.	.	00	09	00	::
It. fore shirts,	.	.	.	.	00	09	06	::
It. to keep his pokit,	.	.	.	.	00	05	00	::
It. for a skine cott to worke in,	.	.	.	.	00	01	08	::
It. to him to goe to see the lyones,	.	.	.	.	00	00	02	::
It. for mending 2 pare of shous,	.	.	.	.	00	01	08	::
It. he lost,	.	.	.	.	00	00	06	::
It. he gave for a tarte to James Standart,	.	.	.	.	00	00	02	::
It. more given him by Gawen Lowry,	.	.	.	.	00	00	08	::
It. A bill drawn by him on me fore to buy him a								
winter cott with,	.	.	.	.	01	05	00	::
					<hr/>			
					19	12	04	½ <sup>2</sup>
					<hr/>			

[Then follow's a number of similar accounts between the two brothers, down to the year 1666, from the entries in which we find that William Haig paid £1, 10s. sterling for a watch ; that he lodged when he went to London with one Robert Standart, a haberdasher,<sup>3</sup> from whom he also bought clothes, etc. ; that his brother Anthony charged him occasionally 1½d. and at other times 1d. per shilling in name of "profit"—that is, interest—on the money laid out for him ; and that Ann Keith also went into trading adventures with William in a small way, it being in one instance entered that she received £4 sterling as the "profite of ane advenster."]

No. XI. (p. 297).

ANTHONY HAIG'S INVENTORY OF HOUSEHOLD GOODS, ETC.,  
AT THE THRID, IN 1672.

*Hear ffolloweth ane account of such plenishing as was given upe to me by my wiffe on the 31 of March 1672, which she had in her custodie, besyds my Hollen linings :<sup>4</sup>*

					pares.
Item of lining shitts, <sup>5</sup>	pares,	.	.	.	11 00 00

<sup>1</sup> In original account, this is "2 green aprrons," at 1s. 3d. each.

<sup>2</sup> The account amounts to 7s. 6d. more than the summation here given, but this seems to have been due to some changes—such as "two hats" in place of "one hat," with corresponding change of figures—after the account had been entered and summed up.

<sup>3</sup> See ante, p. 258.

<sup>4</sup> Holland linens.

<sup>5</sup> Sheets.

Of coodwares for great coods, <sup>1</sup>	.	.	.	.	16	00	00
It. of leser sort,	.	.	.	.	03	00	00
It. of straiking <sup>2</sup> sheets,	.	.	.	.	05	00	00
It. of harden <sup>3</sup> sheets,	.	.	.	.	05	00	00
It. of good blankits,	.	.	.	.	20	00	00
besyds what is made use of in the womens bed below.							
Item of Cifforiens,	.	.	.	.	12	00	00
besyd a scring cloath,	.	.	.	.	01	00	00
It. of curtaines,	.	.	.	.	11	00	00
It. of faider <sup>4</sup> beds,	.	.	.	.	08	00	00
It. of faider bolsters,	.	.	.	.	10	00	00
It. of coods,	.	.	.	.	11	00	00
It. of palacies <sup>5</sup> and calfebed, <sup>6</sup>	.	.	.	.	05	00	00
It. of cushing, <sup>7</sup>	.	.	.	.	20	00	00
Item of platts, being puder, <sup>8</sup>	.	.	.	.	12	00	00
It. of puder truncer, <sup>9</sup>	.	.	.	.	12	00	00
It. of trieons, <sup>10</sup>	.	.	.	.	12	00	00
It. of silver spons,	.	.	.	.	07	00	00
Item of candele stickes,	.	.	.	.	04	00	00

This account, with severall other secessorie<sup>11</sup> things as cloath and her owne wiring<sup>12</sup> cloaths, is sot doune in the little long booke wher I use to write my Joorinall Trancaktiones.

*Item, heare ffolloweth ane list of some of the rest of my plenisione :*

Item of Chares,	.	.	.	.	12	00	00
Item on <sup>13</sup> Resting Chare,	.	.	.	.	01	00	00
It. of buffit stols, <sup>14</sup>	.	.	.	.	01	00	00
It. Trunkes,	.	.	.	.	02	00	00
It. on <sup>13</sup> long chests,	.	.	.	.	01	00	00
It. of Cobers, <sup>15</sup>	.	.	.	.	02	00	00
It. of tables,	.	.	.	.	04	00	00

<sup>1</sup> Sc. *cod*, a pillow ; *codwares*, pillow-slips.

<sup>2</sup> Sc. *To straik* or *streik*, is to *lay out* a dead body ; hence *straiking-sheets* are corpse-sheets or shrouds.

<sup>3</sup> *Harden* or *harn*, a coarser kind of linen.

<sup>4</sup> Feather.

<sup>5</sup> Palliasses.

<sup>6</sup> A bed filled with *chaff*, instead of flocks or feathers.

<sup>7</sup> *Cushions*. These were probably required to cover the stone benches ranged along the walls of rooms in old towers like that of the Thrid.

<sup>8</sup> Pewter plates.

<sup>9</sup> Trencher, or flat dish.

<sup>10</sup> *Tree-en*—i.e., wooden (trenchers).

<sup>11</sup> ? Accessory.

<sup>12</sup> Wearing.

<sup>13</sup> One.

<sup>14</sup> *Buffet-stool*, "a stool with sides, in form of a square table with leaves, when these are folded down."—*Jamieson*.

<sup>15</sup> Cupboards.

It. of puder stopes, <sup>1</sup> little and bige,	.	.	.	05	00	00
Item of looking glasses,	.	.	.	02	00	00
It. of spits and rakes, <sup>2</sup> 2 pare,	.	.	.	02	00	00
Item of crockes <sup>3</sup> and tongs, of each 2 pare,	.	.	.	02	00	00
Item of cookrie potts,	.	.	.	05	00	00
Item of lem <sup>4</sup> plats,	.	.	.	02	00	00
Item a lem posit cape <sup>5</sup> and a porenger,	.	.	.	02	00	00
Item of saltvats,	.	.	.	02	00	00
It. a great chest, a table in the keicthen, <sup>6</sup>	.	.	.	02	00	00
Item a pan,	.	.	.	01	00	00
It. a great fraying pan and a great dropping pan, a schffendice, <sup>7</sup>	.	.	.	03	00	00
It. a furm <sup>8</sup> in the hall,	.	.	.	01	00	00
Item 4 bord cloths, <sup>9</sup>	.	.	.	04	00	00
It. my hollands cabenit	.	.	.	01	00	00
It. my lettern, <sup>10</sup>	.	.	.	01	00	00
Item my charter chest and a litle on within it,	.	.	.	02	00	00
It. of falden beds <sup>11</sup> and bedsteds, such as they are,	.	.	.	08	00	00
It. a long candle chest,	.	.	.	01	00	00
It. of portrages, <sup>12</sup>	.	.	.	04	00	00
It. on wather glase,	.	.	.	01	00	00
It. 2 pare of bellises, <sup>13</sup>	.	.	.	02	00	00
It. of knokes, <sup>14</sup>	.	.	.	01	00	00

Then ther is the furnishing of my Celler, in which I know not what puntions what barles ther is.

*Item, ane Account of my nite<sup>15</sup> grath.*

Item of curnes, <sup>16</sup>	.	.	.	02	00	00
It. of copes, <sup>17</sup>	.	.	.	02	00	00
It. all uther greth completly belonging to them.						

<sup>1</sup> Pewter stoups, or drinking-cups.

<sup>2</sup> Raxes—*i.e.*, andirons.

<sup>3</sup> See *ante*, p. 297n.

<sup>4</sup> Earthen.

<sup>5</sup> *Posset caup* or *cup*, a medicine cup.

<sup>6</sup> *Kitchen* is here spelled in accordance with the writer's usual habit in words of this kind. In the same way he spells *watch* as *wacth*, *fetch* as *fecth*, etc.

<sup>7</sup> *Chaffing-dish*—*i.e.*, a warming-pan, or more probably a brazier for holding charcoal.

<sup>8</sup> Form.

<sup>9</sup> Tablecloths.

<sup>10</sup> Writing-desk.

<sup>11</sup> *Folding-beds*.—A folding bed of that period, made of oak, is still shown in Marchmont House, as that on which Sir Patrick Hume slept while he lay in hiding in the vaults under Polwarth Church.

<sup>12</sup> Portraits.

<sup>13</sup> Bellows.

<sup>14</sup> Clocks.

<sup>15</sup> *Netes* or *neces* was a term used in inventories for unknown animals; here used for goods unclassified, or forgotten when the inventory was first made up.

<sup>16</sup> Churns.

<sup>17</sup> *Cowpes*, baskets for catching fish—a word still preserved in *hen-coop*.

Item ploughs, . . . . .	03	00	00
2 of which hath complet grath.			
It. 3 pare of harags, <sup>1</sup> . . . . .	03	00	00
of which ther is 5 irons ons.			
It. my ston cart, . . . . .	01	00	00
It. of baros, . . . . .	03	00	00
It. of wine sellers, . . . . .	02	00	00
It. of hart horns, . . . . .	02	00	00
Item a horse cart, . . . . .	01	00	00

## No. XII. (pp. 121, 122, 303).

## MEMORANDUM BY ANTHONY HAIG AS TO BEMERSYDE LOCH.

A memorandome to my Successors concerning the Loch of Bemersyd, wherin I set doune my knowlidge and right therof, viz.:

It is continowed in our chartors, the fishings on the water of Twid, with all other fishings whatsome ever in which wee are infist, my predicessors did all ways, without intruptions from any hand whatsomever, enjoye ther fishings upon the said loch, and had boots,<sup>2</sup> and our tennants did allways shire<sup>3</sup> those padiepepes<sup>4</sup> and grass, and no uther, without inturruptione or molestatione from any hands whatsomever, as the right and propertie belonging to the lands holden of my predicessors and me be<sup>5</sup> ther tennant right past all memorie. So that the lairds of Marton<sup>6</sup> can not pretend any right of posesione nor privilidge nor propertie; ffor wher ther lands stents<sup>7</sup> upon my lands on that syd of the loch it is visiabbly merched<sup>8</sup> with ston, and ther is yet a vestice<sup>9</sup> of ane old cast or dicke to be sen; which marches are trewly keepe on each syd as each uther's propertie,

<sup>1</sup> Harrows.<sup>2</sup> Boats.<sup>3</sup> Sc. *shear*, to cut, or reap.

<sup>4</sup> *Paddy-pipes* is the name applied in the south of Scotland to the plants of the genus *Equisetum*, known otherwise as the horsetail. *Paddy*, or *paddock*, is Scotch for *frog*; therefore the horsetail plants, as growing plentifully in marshes where frogs abound, as also from their elongated tubular appearance, received the name of paddy-pipes—that is, frogs' pipes. In the beginning of the present century, the ground on which the High Street of Galashiels now stands, was mostly covered with a bog, which was locally known, from the frogs that abounded therein, as *Paddy's Ha'*.

<sup>5</sup> By.<sup>6</sup> Mertoun.

<sup>7</sup> Sc. *stent* or *stend*, to stretch out to the full; it here means, stretching out so as to touch.

<sup>8</sup> Marched, or marked off.<sup>9</sup> Vestige.

which determents<sup>1</sup> Marton's right to com no further then cutter<sup>2</sup> and socke. It will not be amise to show you what onc<sup>3</sup> pased betwixt my guidser<sup>4</sup> and the Laird of Marton then liveing. Marton wold faine have stolne a prevelidge beyound those march stons, and for that end caused on<sup>5</sup> of his men com upe and cast some diffits<sup>6</sup> beyound the march. My grandfather hearing therof, cam to the fellow, brock his head, toke from him his spade; at which Marton was greatly offended, and on<sup>6</sup> day going to Coldenknows, with on<sup>6</sup> Thomas Helliburton with him, he bravadingly crost the rigges<sup>7</sup> befor the laird of Bemersyd's door, which he seing, told him he would be in his comon<sup>8</sup> if he would com that way backe againe. He said he would, and accordingly did so; whom when my grandfather saw caled to his son James to bring him his gune, which the boy did—cam out, and ther pased some words betwixt them, upon which Martone did bid my guidshire in derision shott at his arse with drops, and held it upe. He had no soner spak the word then he shott him with the wholl grath in his arse; upon which he fald of his horse, and the uther Helliburton coming upon with his sword to him, he tourned about the but end of his peac<sup>9</sup> and struke him doune, so that he was forcsed to send them both home cared<sup>10</sup> in blankets. But this proved noways advantagious to the two famalies, for ever after ther remained heart burnings betwixt the 2 houses, so that the countrie people observed it layed the foundation of runeing<sup>11</sup> of both the famalies. But however, never sinc<sup>12</sup> did the Lairds of Marton either atempe or pretend any thing beyound those march stons for right or previlidge, and is now above 60 years agoe. Also Sir Hery Home of Herdrige<sup>13</sup> told me that my guidame<sup>14</sup> did on<sup>6</sup> day take Marton's netts from them, because they cam to fish without speiring<sup>15</sup> her leave. The gentleman is yet alive. If any should alidge that the Lairds of Coldenknows did fish or make any ways up<sup>16</sup> of the loch—First, he was a nightbour<sup>17</sup> with whom my pre-

<sup>1</sup> Determines.<sup>2</sup> Coulter.<sup>3</sup> Once.<sup>4</sup> *Guidsire* = grandfather (this was James Haig, seventeenth Laird).<sup>5</sup> One.<sup>6</sup> *Sc. divot*, a thin oblong piece of turf, used for thatching, etc.<sup>7</sup> *Sc. rigs*, the strips or ridges into which arable land is divided.<sup>8</sup> *To be in one's common*, is to be obliged to one. It is so used by Pitscottie (*see* Jamieson). The expression is here used ironically; just as quarrelsome persons may still be heard offering to *thank* some one to repeat an offensive act or word.<sup>9</sup> Piece.<sup>10</sup> Carried.<sup>11</sup> Ruining.<sup>12</sup> Since.<sup>13</sup> Hardrig, in Berwickshire.<sup>14</sup> *Guid-dame* = grandmother (namely, Elizabeth M'Dougall, the above James Haig's wife).<sup>15</sup> Asking.<sup>16</sup> "*Make any ways up* of the loch"—*i.e.*, derived benefit in any way from it.<sup>17</sup> *Nightbour* = neighbour.—*See ante*, p. 341*n.*

dicessors did keepe such ane intimat corespondenc that he could desire nothing which was ther's be way of nightbourhood that they could refuse him ; besyde, at that time he had the Thrid taken of my predicessors, so that he had both Whitricke<sup>1</sup> and the Thrid in his hand, and might fysh and doe any uther thing he pleased. He could not have any pretence to the loch, because his land lay but a very letle way upon the syd of it. The laird of Marton can not pretend it to be his, because his land is marched, and the loch lays within my lands and constently in our posesion. Whitrige also lay upon a part of it, so that Marton could never pretend a propertie. To remember that I caused pund,<sup>2</sup> myselfe, Thomas Simson's oxen in Whitrige, because they used sometimes to rune in amongst the padapepes. He cam to me, and promised they should never com ther againe, befor he got them out, befor severall witnesses.<sup>3</sup>

No. XIII. (p. 318).

ANTHONY HAIG'S ACCOUNT OF HIS DAUGHTER HANNAH'S PLENISH-  
ING ON THE OCCASION OF HER MARRIAGE IN 1689.

*Memorandum of that I gaif to my dochter (H)ana.*

*Item*, in the first, ane fether bed, ane fether bouster.<sup>4</sup>

*Mair*,<sup>5</sup> ane sewd coifring, ane challender coifring.<sup>6</sup>

*Mair*, ane tome tyck<sup>7</sup> of ane bed, tua codis.<sup>8</sup>

*Mair*, four codwairis,<sup>8</sup> fyve pair of scheitis schapin and vnschapin.

<sup>1</sup> Whitrig.—*See ante*, p. 230.

<sup>2</sup> Pound, with a view to distraint.

<sup>3</sup> Notwithstanding the statements in Anthony Haig's "Memorandum," the question in dispute went against him (*see ante*, p. 303). In connection with this he had also drawn a chart or survey of the loch on a large sheet of paper, in which the Bemersyde lands are indicated by a breadth of red pigment round three sides of the loch, which is figured square like the foundation of a house. A few dots of red show the position of the march-stones, and on the west end of the loch it is carefully noted that "On this end growes the padapips and rispe [the latter a coarse grass that grows on marshy ground], which is yearly shorn by Bemersyd's tennants."

<sup>4</sup> Bolster.

<sup>5</sup> Sc. *mair*, more ; meaning, in old inventories, "in addition to what has been already said."

<sup>6</sup> *Coifring*, a head-dress (Fr. *coiffure*) ; a *challender coifring*, one that might be dressed smooth with a calender.

<sup>7</sup> *Toom tyck*, an empty tick.

<sup>8</sup> *Cods* and *codwares*, pillows and pillow-slips.

*Mair*, ane small lining burd claithe<sup>1</sup> and ane dussen of fyne serveitis.<sup>2</sup>

*Mair*, ane pair of blanketis; ane mekle grit kyst,<sup>3</sup> wes ten merkis; ane gown, ane vylecoit,<sup>4</sup> with the furnishing, sex scoir of pundis; ane lint quheill,<sup>5</sup> half ane stane of heckis,<sup>6</sup> rokis,<sup>7</sup> spindillis, svinglinstokis,<sup>8</sup> svinglentis,<sup>9</sup> vinddillis.<sup>10</sup>

*Ane Memorandum of the thingis that (H)ana hes fra me out of the hous that I payd maill<sup>11</sup> for.*

*Item* ane fether bed, wes ten pundis; ane fether bowster, fortie sax; fether cods, sex pundis; ane coivering,<sup>12</sup> sex pundis; four ellis of ane newe mext claithe, viij pund; ane ell of Inglisch cloithe lynd with baise, thretie pund; ane vyne<sup>13</sup> seller, sex pund; ane trunke, ten merkis; ane cruik,<sup>14</sup> fortie schilling; ane pot, threttie sex schilling; ane pair of clipis,<sup>15</sup> ane ladill,<sup>16</sup> sex schilling; ane pair of tongs, sex schilling; Tua cuite kopis,<sup>17</sup> seven schilling; tua biker, xx penyis; ane aill cope, thre schilling; tua kirstall<sup>18</sup> glassis, ten shillings; tua grit standis with the covers on thame, fortie schilling; ane coge,<sup>19</sup> ane kirne,<sup>20</sup> ten schilling; four puder plaitis, four pund; thretie canis,<sup>21</sup> sex schilling; *mair*, ane aill pynt stoip, thretie schillings; *mair*, ane quheill,<sup>22</sup> tuentie four lb.

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No. XIV. (p. 350).

EXTRACTS FROM DIARY OF JAMES A. HAIG.

*A Cure for Ague.*

Take a large tablespoonful of flowers of brimstone in a gill of moun-

<sup>1</sup> Linen tablecloth.

<sup>2</sup> Napkins or towels (Fr. *serviette*).

<sup>3</sup> Chest.

<sup>4</sup> Sc. *wilycoat*, an under petticoat.

<sup>5</sup> *Lint-wheel*, a wheel for spinning *lint*—i.e., flax.

<sup>6</sup> *Hack*, "the toothed thing which guides the spun thread on to the pirn in spinning-wheels."—*Jamieson*.

<sup>7</sup> Distaffs.

<sup>8</sup> *Swingling-stock*, an instrument for separating flax from the core by beating it.

<sup>9</sup> *Swinglint*, an instrument for breaking flax.

<sup>10</sup> *Windle*, an instrument used by women for winding yarns.

<sup>11</sup> *Mail*, generally *rent* or *tribute*; here used for things *paid value for*.

<sup>12</sup> Bedcover.

<sup>13</sup> Wine.

<sup>14</sup> *Crook* or *crook*.—*See ante*, p. 297n.

<sup>15</sup> *Clips*, for lifting a pot by the ears.

<sup>16</sup> Ladle.

<sup>17</sup> Sc. *cuittie cup*, a cup or measure for beer or other liquors.

<sup>18</sup> Crystal.

<sup>19</sup> Sc. *cog*, a hollow wooden vessel for holding milk, etc.

<sup>20</sup> Churn.

<sup>21</sup> *Can*, a dish or jar, generally of earthenware.

<sup>22</sup> *Wheel*. From its price, £24 Scots, it is probably the same with the "lint-wheel," or spinning-wheel, mentioned in the first list.



tain wine when the first fitt comes on; and if it does not prove effectual, repeat the dose immediately before the next fitt comes on.

*Recipe for Destroying Rats, etc.*

One ounce of oil of aniseed, half a pound of arsnick, two ounces of nux vomica grated, one pound of hog's lard ; mix them together, and make them up into pills, and lay them in their runs. In case your neighbour refuse to lay the poison at the same time, you must lay the above poison, mixed w<sup>t</sup> a quarter of a pound of cocculus Indicus, or India berries, in the end of some barn or stable, and get one gill of oil of Rhodium, w<sup>t</sup> which anoint a piece of bullock's lights, and tye a rope or string round the lights; and at night let one of your men go round and round your neighbour's house, &c., and trail the piece of lights after him till he come to the place where the poison lies; and then lift it (the lights) off the ground, and put it on a tree, but not near the place where the rail was made, otherwise all the rats will get scent of it, and leave the poison, for which reason do not hang it in the wind of them. A dog or cat will not touch the poison, because of the oil of aniseed. However, to prevent any danger that way by the dogs, &c., w<sup>t</sup> it, and if they offer to eat it, rub their noses w<sup>t</sup> a little of the aniseed oil, and that will prevent them touching of it.

*Epigram.*

Cain in disgrace with Heaven retired to Nod—  
A place undoubtedly as far from God  
As he could wish : which made some think he went  
As far as Scotland ere he pitched his tent ;  
And there a city built of ancient fame,  
Which he, from Eden, Edinburgh did name.

*Extemporary Answer by Mr William Erskine, Surgeon in  
Newcastle-on-Tyne.*

And fitly, too : for people, soil, and food,  
And air as pure : but still he thirsts for blood ;  
To England hastes, more distant, and resigned  
To cannibals ; here propagates his kind,  
Despisers, and despised by men and God,  
Luxurious gluttons—there's the Land of Nod.



No. XV. (p. 386).

## EXTRACTS FROM DIARY OF JAMES Z. HAIG.

*Traces of a Roman Road.*

1796, 15<sup>th</sup> April. The Roman Road that passed this way from England to Stirling is easily traced at the planting of Longnewton, on the east side of the great Jedburgh Road, running parallel to the fence, and makes the boundary of Sir George Douglas's lands of Longnewton, and Mr Kerr's of Littleton, of the lands of Maxton. It is within the planting, and planted upon. It is like a very broad high rig, and runs along Sir John Scott's strip to Lilliard's Edge, thence by Mount Teviot to Creland, and is again visible there as the march with the lands of Houston. The woodman, whose house is at the north-east corner of Longnewton Wood, told me that when he came there 18 years ago, in digging his garden at the back of the cottage, through which a half of the Road runs, he took up as many stones of a causeway as built his small dyke and made a great drain through his garden; that they did not make the roads as they do now, for that he found a great many huge flat stones like a plainstone, and many small ones too; that in Sir John Scott's strip, along the same road, they had found many large flat freestones; and that he had worked at Creland, and seen the same straight rig or road there.

*Bemersyde Tower, Alterations, etc.*

1796, 30<sup>th</sup> May. Masons laid foundation of easter wing to the house this day.

3<sup>rd</sup> July. Sandyknow Tower, or Smailholm Tower, the same dimensions as this one, Bemersyde—viz., 24 feet 6 inches by 16 feet 6 inches within walls, and the walls nearly same thickness [seven feet]. Instead of two story below vault, as our parlour and dining-room, there is but one, without a fireplace, but three stories above that. The roof a stone arch. It was the same here, but my great-grandfather<sup>1</sup> altered it, and put on slate, taking off arch, and I believe made other alterations.

31<sup>st</sup> Aug. I got the addition on east side of the house roofed in a week ago, without any rain. There has been hardly a small shower this month past. I got the embrasures on west side put on without a shower. The roof being tirmed, rain would have spoilt the roof and paint of the room. The house has been all cast in the finest, calm, dry weather. Four men have been employed at it a fortnight.

14<sup>th</sup> October. Struck through [the wall of the old tower] a door from the landing-place at top of new stair into dining-room at north-east cor-

<sup>1</sup> Anthony Haig.—See *ante*, pp. 310-11.

ner. Two men made their way in a day and a half. The two sides of the wall *built*—on the outside for about two feet and a half, inside much less; and the centre filled up with all sorts of stones thrown in, and run full of lime, with very coarse sand and gravel, some of the gravel as big as a shilling. Many large stones thrown into the middle, many round land stones, some whin ones, but mostly all fine quarried stones from our own quarry; a great deal of lime in it, and the stones mostly very large. In the door struck out near the foundation, in particular, for the passage, some stones 3 feet and a half in length. We found a rat's nest in the middle of the wall. The middle of the wall, from the manner of building, was not very firm, and easily got through. Two men struck it out, and built up the arch into the dining-room, in five days. The lower passage took less time, being already much taken out for the old stair into the dining-room.

#### *Polecats.*

1796, 17th July. This day, on my way down to the river, saw 2 old polecats and 4 young ones nearly mother-big, cross the walk in a body like a pack of hounds, but going at leisure. The old ones seemed to be leading the young to hunt in quest of prey.

#### *Floods on Tweed, Leader, etc.*

1796, 10th May. I measured the height the river rose on the 19th of November last, and found it at Halyweel, upon the old stunted thorn bush at the boat, and which could not bend with the pressure, as it is an eddy, and the bush would break before it bent—I found the river had risen there  $12\frac{1}{2}$  feet perpendicular above its ordinary summer height. At Maxwellheugh, Kelso, it was 14 ft.

1797, Oct. 20. A hard frost this morning; ice on pools. Therm.  $32^{\circ}$  at nine o'clock. Wind N.E. In the afternoon about four o'clock it came on rain, which poured a deluge all night, with a tempestuous wind from N.E. I hope our gallant fleet with their Dutch prizes have got all safe into port. Tweed was nearly as big a flood as ever I remember, and that in one night's rain; but it was fast rising before. Leader was uncommonly big, more so in proportion than Tweed, which is always the case when the wind and rain come from the east.

21st. The flood in Leader has carried off the bridge at the foot of it. It fell about nine this morning, and at the same time Mr Tod's mill dam. The centre pillar of the bridge seems to have been undermined on the under side by the force and fall of the water through the arches. The under side only has fallen, and the under half of the arches, leaving the upper side entire, and a sufficient room for a foot passenger. The pillar was filled up about the height of the water

in flood with loose stones and earth, and then with *earth only*, which must soon be washed away. . . . I since learn that two arches and a centre pillar of bridge on Tweed at Kelso is carried away, and two bridges on Whitaker—at Gainshaw at its mouth, and, I believe, at Chirnside. The newspapers inform us that all our fleet and their Dutch prizes have arrived safe, except the Dutch ship of 56 guns, *The Delft*, which foundered.

1807, *Sept.* 6. A great storm of wind from the N.E.—quite uncommon at this season—like a high winter one, with a great rain, and therm. 43°. It began yesterday at 3 o'clock, and has continued raining more or less till six this evening. The river unusually high; in Dryburgh Haugh, and over old Melrose Haugh; broke in at middle, and again lower down, running with a good current. There being much corn cut, a good deal carrying down. At seven o'clock the river is up to the *highest marks* I ever knew it to be, and seems still rising. The wind now shifted about to N.W., and very cold.—I observed next morning that the water had risen about six inches more than when I saw it, and was from that to eight inches higher than ever I marked it since I began to observe it. It was full *into* (but not *round*) the first large thorn bush as you go *down* the river from where the walk down the bank meets that along the riverside at Halyweel. It was round the first ash immediately under it, and a foot upon the large ash at William's (the Bathing) seat. It was within ten inches, on the slope of the bank, of the foot of the large thorn to which the boat is tied, where the oars lie, and full half round the one immediately under it. The Tweed was much bigger in proportion above the Leader, for it (the Leader) was not remarkably big. Gala carried off the bridge at Gala-shiels, and the Jed a new bridge at Jedburgh; also a new bridge over Yarrow.

No. XVI. (p. 413).

ANTHONY HAIG'S RECIPES FOR MEDICATED SEEDS (c. 1670).

*A memorandome of 8 sorts of liquors which is for the encrase<sup>1</sup> of cornes, if aplayed<sup>2</sup> therein, viz :*

1. *Item*, middein water and doves-dung mixted.<sup>3</sup>
2. *Item*, midein water clarified w<sup>t</sup> unslacked lime, and mixted w<sup>t</sup> about a tenth part of stronge waters.
3. *Item*, middein water and unslacked lime sodden to the consimp-tione of the halfe, then more of the aforsaid water added the third time and soden as formerly; after, taken from the fire and clari-fied, then mixted with a tent part of strong water.

<sup>1</sup> Increase.

<sup>2</sup> Applied.

<sup>3</sup> Mixed.

4. *Item*, poured of, the same water without strong water.
  5. *Item*, the first water mixed w<sup>t</sup> the second, without strong waters.
  6. *Item*, the dregs, ore that which lay at the bottom of middein water, clarified w<sup>t</sup> unslacked lime.
  7. *Item*, water mixed w<sup>t</sup> doves dunge, then soden well in; after, clarified, poured of, and mixed w<sup>t</sup> about a tenth part of strong waters.
  8. *Item*, that which remained in the bottom after the most part of the clarified part was poured of.
- Item*, some of the graines once stiped, 2 times, 3 times, 4 times.<sup>1</sup>
- Item*, betuein each time in thes that are stiped oftener than once, there intersed<sup>2</sup> as much time as suffiseth to dry the corne.
- Item*, pease stiped 2 times amongst the 2 liquors,<sup>3</sup> without the strong waters poured of.
- Item*, pease stiped tuice in the 7 liquor.
- Item*, pease stiped 2 times in the 8 liquor.
- Item*, oats stiped in the 8 liquore about 8 days.
- Item*, some oats stiped amongst the 4 liquors, not poured of.
- Item*, some oats unprepared.
- Item*, some pease stiped aboue a fortnight in the 2 liquore.
- Item*, some bear<sup>4</sup> stiped in the 1st liquor 48 hours.
- Item*, some beire stiped as long in the same liquor, a littill strong waters added.
- Item*, some beere altogether unprepared souen<sup>5</sup> the same day with the rist,<sup>6</sup> being the 20 of the second month.<sup>7</sup>
- Item*, some beair stiped tuice 48 hours in the first liquore.
- Item*, some beaire stiped as long in the same, a littell strong waters being added.
- Item*, some beaire souen w<sup>t</sup> a little of the water that lime was slacked amongst, but not stiped therine, but put in the earth with the lime and water thicke mixed.
- Item*, also wheat prepared after that same manere as is last spoken of.

<sup>1</sup> That is, some kinds of grain are steeped once, others twice, thrice, or four times.

<sup>2</sup> Elapsed (probably from L. *inter*, and *seco*).<sup>8</sup>

<sup>3</sup> That is, the liquors of Recipe No. 2.

<sup>4</sup> Bear, beire, beaire, barley.

<sup>5</sup> Sown.

<sup>6</sup> Rest.

<sup>7</sup> 20th April.

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